
St. John Bishopthorpe Glebe Vesting and Land Sale

Ordinance, 1962.

No. 39, 1962.

AN ORDINANCE to vest certain land in St. John's Road Glebe in the City of Sydney in Church of England Property Trust Diocese of Sydney, to authorise the sale of part of such land and provide for the application of the proceeds of such sale and to vary the trusts of the residue of the land.

WHEREAS by Crown Grant dated 22nd May 1858 under the hand of Sir William Thomas Denison, K.C.M.G. recorded in the Register of United Church of England and Ireland Grants No. 5 Page 58/4 all that piece or parcel of land containing 2 roods more particularly described in the first part of the first schedule hereto was granted unto the Reverend William McQuarie Cowper John William Wood and Edward Apps Smith their heirs and assigns for ever upon trust for the erection of a school house in connection with the United Church of England and Ireland as by Law Established AND WHEREAS by a further Crown Grant dated 22nd May 1858 under the hand of the said Sir William Thomas Denison recorded in the Register of United Church of England and Ireland Grants No. 1 Page 58/4 all that piece or parcel of land containing 1 acre more particularly described in the second part of the said First Schedule was granted to the same grantees upon trust for the erection thereon of a Church of the United Church of England and Ireland as by Law Established AND WHEREAS there is erected on the said respective parcels of land the Church of St. John Bishopthorpe Glebe and St. John's Rectory and the said land is church trust property held for the sole benefit of the Parish of St. John Bishopthorpe Glebe AND WHEREAS the said William McQuarie Cowper, John William Wood and Edward Apps Smith are long since dead and it is expedient that the land be vested in Church of England Property Trust Diocese of Sydney AND WHEREAS the land described in the First Schedule has been subdivided into two allotments shown as Lots 1 and 2 in plan of subdivision lodged for registration as a deposited plan under Number 209059 Lot 1 being more particularly described in the second schedule hereto and Lot 2 more particularly described in the third schedule hereto AND WHEREAS it is inexpedient to carry out and observe the trusts upon which Lot 1 is held and it is expedient that the same be sold together with the existing Rectory thereon and the proceeds applied as hereinafter set out AND WHEREAS it is expedient that the trusts upon which Lot 2 is held be varied to the extent hereinafter declared NOW the Standing Committee of the Synod of

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the Diocese of Sydney in the name and place of the said Synod hereby ORDAINS DECLARES AND DIRECTS as follows:-

1. That the lands described in the First Schedule be and the same are hereby vested in Church of England Property Trust Diocese of Sydney.

2. That by reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the second schedule is held it is inexpedient to carry out and observe the same and it is expedient that the said land be sold.

3. That by reason of circumstances which have arisen subsequent to the trusts upon which the land described in the third schedule is held it is inexpedient to carry out and observe the same in their entirety and it is expedient that such trusts be varied as follows, namely to permit the said land to be used for a church parsonage or church hall or partly for one and partly for another of such purposes in connection with the Church of England in Australia for the Parish of St. John Bishopthorpe Glebe and the same are hereby varied accordingly.

4. The Corporate Trustee is hereby authorised to sell the land described in the second schedule by public auction or private contract at such time, at such price and upon such terms and conditions as it may think fit freed from the Trusts upon which it is held.

5. The proceeds arising from the sale of the said land shall after paying thereout all outgoing to which the land is subject and the costs of and incidental to this Ordinance and to the subdivision of the said land and the sale and conveyance thereof be paid and applied as follows, namely the sum of Five hundred pounds (£500) to the Churchwardens of St. John Bishopthorpe Glebe for general parochial purposes, the sum of Twelve thousand pounds (£12,000) towards the cost of demolition of the existing Rectory and of erecting a new Rectory on the land described in the third Schedule and of any furnishings for which the said Churchwardens may be responsible and the balance shall be invested in such investments as the Corporate Trustee may think fit including the power to invest the same by way of advance to the Board of the Sydney Church of England Homes for Aged Persons for the erection of a Home under the control of such Board on the land hereby authorised to be sold and with or without security or guarantee as the Corporate Trustee may determine.

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6. This Ordinance may be cited as "St. John Bishopthorpe Glebe Vesting and Land Sale Ordinance, 1962."

FIRST SCHEDULE

FIRST PART

All that piece or parcel of land in Our said Territory, containing by admeasurement, two roods be the same more or less, situated in the County of Cumberland and Parish of Petersham commencing at the eastern corner of land sold as portion number Fourteen of the Glebe lands and bounded thence on the north east by the Glebe Road south easterly three chains and five links to Church Street on the south east by Church Street bearing south forty seven degrees forty five minutes west one chain sixty four links on the south west by the north eastern boundary line of the allotment appropriated for church of England Church north westerly at right angles to Church Street to the south eastern boundary of the aforesaid portion sold as number fourteen of the Glebe lands and on the north west by part of the south eastern boundary of the aforesaid portion number fourteen of the Glebe lands one chain sixty four links north easterly to the eastern corner thereof aforesaid advertised in the Government Notice dated 16th April 1858.

SECOND PART

All that piece or parcel of land in Our said Territory, containing by admeasurement one acre be the same more or less situated in the County of Cumberland and Parish of Petersham commencing at the southern corner appropriated for Church of England School House and bounded thence on the south east by Church Street bearing south forty seven degrees forty five minutes west three chains twenty eight links on the south west by the north eastern boundary of the allotment appropriated for Church of England Parsonage north westerly at right angles to Church Street to the south eastern boundary of lands sold as Portion Number Fourteen of the Glebe lands on the north west by part of the aforesaid south eastern boundary of Portion number Fourteen of the Glebe lands north easterly three chains twenty eight links to the western corner of the aforesaid allotment appropriated for School House and on the north east by the south western boundary line of that allotment south easterly to the southern corner thereof as aforesaid advertised in the Government Notice dated 16th April, 1858.

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SECOND SCHEDULE

All that piece of land situated at Glebe in the City of Sydney Parish of Petersham County of Cumberland and State of New South Wales containing 3 roods $9\frac{1}{4}$ perches being Lot 1 on plan lodged for registration as Deposited Plan number 209059 commencing at a point on the north western alignment of St. Johns Road bearing 237 degrees 30 minutes and distant 144' $4\frac{1}{2}$ " from the intersection of the north western alignment of St. Johns Road with the south western alignment of Glebe Road and bounded thence on the south east by part of the north western alignment of St. Johns Road being a line bearing 237 degrees 30 minutes for 180' 0" thence on the south west by land resumed from the Church of England by the Board of Fire Commissioners in 1905 being a line partly fenced bearing 327 degrees 11 minutes for 203' $1\frac{1}{2}$ " to the south eastern boundary of Portion 14 of Glebe lands thence on the north west by part of the south eastern boundary of that Portion being a line partly fenced and partly passing along the north western face of a stone wall bearing 57 degrees 49 minutes for 86' $10\frac{1}{2}$ " and a fenced line bearing 57 degrees 31 minutes for 73' $1\frac{1}{2}$ " thence on the north east south east and again on the north east by the south western boundary of Lot 2 on abovementioned plan being lines bearing 147 degrees 11 minutes for 65' 0", 57 degrees 11 minutes for 20' 0" and 147 degrees 11 minutes for 137' $8\frac{1}{2}$ " to the point of commencement.

THIRD SCHEDULE

All that piece of land situated at Glebe in the City of Sydney Parish of Petersham County of Cumberland and State of New South Wales containing 2 roods $31\frac{1}{4}$ perches being Lot 2 on plan lodged for registration as Deposited Plan number 209059 Commencing at the intersection of the north western alignment of St. Johns Road with the south western alignment of Glebe Road and bounded thence on the south east by part of the north western alignment of St. Johns Road being a line bearing 237 degrees 30 minutes for 144' $4\frac{1}{2}$ " thence on the south west, south east and again on the south west by the north eastern boundary of Lot 1 on above mentioned plan being lines bearing 327 degrees 11 minutes for 137' $8\frac{1}{2}$ ", 237 degrees 11 minutes for 20' 0" and 327 degrees 11 minutes for 65' 0" to the south eastern boundary of Portion No. 14 of Glebe Lands thence on the north west by part of the south eastern boundary of that Portion being a fenced line bearing 57 degrees 31 minutes for 148' 5" and a line passing

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through the centre of a 9" brick wall bearing 56 degrees 6 minutes for 13' 1" to the south western alignment of Glebe Road and thence on the north east by part of the south western alignment of that road being a line bearing 146 degrees 21 minutes 30 seconds for 202' 11 1/4" to the point of commencement.

I certify that the Ordinance as printed is in accordance with the Ordinance as reported.

ATHOL RICHARDSON,
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 29th day of October, 1962.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

29/10/1962.

HUGH SYDNEY,
Archbishop of Sydney.