
St. Paul's West Manly Exchange Ordinance, 1961.

No. 3, 1961.

AN ORDINANCE to authorise the exchange of certain land situated at Warringah Road French's Forest in the Shire of Warringah for certain other land situated at Clontarf Street Seaforth in the said Shire and for purposes incidental thereto.

WHEREAS William Whamond Service and James Watt are registered as proprietors as joint tenants for an estate in fee simple in the residue of the land comprised in Certificate of Title Volume 3942 Folio 113 more particularly described in the first schedule hereto AND WHEREAS by Declaration of Trust dated 13th September 1926 the said William Whamond Service and James Watt declared that they should hold the said land upon trust for the Parochial Council of St. Matthew's Church of England Manly AND WHEREAS it is expedient that the said land be vested in Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) subject to the trusts upon which the same was held by the said William Whamond Service and James Watt (both of whom are now deceased) AND WHEREAS the said land was originally situated in the Parish of St. Matthew Manly but subsequently in the Parish of St. Paul West Manly and is presently within the Provisional District of Forestville-Narraweena cum Belrose & Oxford Falls AND WHEREAS negotiations have been made with the Department of Education for an exchange of the said land for land now vested in the Minister for Education more particularly described in the second Schedule hereto AND WHEREAS such last mentioned land is situated in the Parish of St. Paul West Manly AND WHEREAS a majority of the Parish Council of St. Matthew Manly has consented to the land described in the first Schedule hereto being disposed of by way of exchange for the land described in the second Schedule AND WHEREAS it is expedient that the said recited exchange be made and the trusts of the land to be acquired by the Corporate Trustee as described in the said second Schedule be declared and provision made for the interest in the land described in the first schedule now claimed by the Provisional District of Forestville-Narraweena cum Belrose & Oxford Falls to be satisfied by the Parish of St. Paul West Manly which will obtain the benefit of the land to be acquired on exchange NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod Hereby Ordains and Directs as follows:—

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1. That the land described in the First Schedule hereto be and the same is hereby vested in the Corporate Trustee subject to the trusts upon which the same is now held.

2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the First Schedule is held it is inexpedient to carry out and observe the same and it is expedient that the said land be transferred to the Minister for Education free from the said trusts in exchange for a transfer by the said Minister to the Corporate Trustee of the land described in the second schedule.

3. The land described in the second schedule shall upon a transfer thereof to the Corporate Trustee be held by it upon trust to permit the same to be used for a church parsonage or parish hall or partly for one and partly for another of such purposes in connection with the Church of England in the Parish of St. Paul West Manly.

4. The Parish of St. Paul West Manly shall pay to the Provisional District of Forestville-Narrawecna cum Belrose and Oxford Falls the sum of Nine Hundred and fifty pounds (£950;) in full compensation and satisfaction for the loss of the use of the land described in the first schedule to be applied to the acquisition of capital assets which sum shall be paid by five annual instalments of one hundred and ninety pounds (£190;) the first to be made at the expiration of one year from completion of the transfer of such land to the Minister for Education. Such Parish shall also pay the costs charges and expenses of and incidental to this Ordinance and of the transfers of the said lands so far as the same be not met by the Department of Education.

5. This Ordinance may be cited as "St. Paul West Manly Exchange Ordinance 1961."

FIRST SCHEDULE.

All that piece or parcel of land situated in French's Forest appurtenant to the French's Forest Public School in the Shire of Warringah Parish of Manly Cove County of Cumberland containing approximately 1 acre having a frontage of 93' 8" to Warringah Road being part of Portion 1166 of the said Parish and being the land comprised in Certificate of Title Volume 3942 Folio 113 excepting that part resumed and vested in the Commissioner for Main Roads under Notice of Resumption Registered No. C238003.

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SECOND SCHEDULE.

All that piece or parcel of land situated in the Shire of Waringah Parish of Manly Cove County of Cumberland containing an area of about 1 acre 22½ perches having a frontage of 82' 10" to Clontarf Street Seaforth by depth of about 600' 11" being Lot 9 of the Rodborough Estate.

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

ATHOL RICHARDSON,
Chairman of Committees.

I certify that the Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this 27th day of February, 1961.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

HUGH SYDNEY,
Archbishop of Sydney.

27/2/1961.