

ORDINANCE NO. 2024-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS, AUTHORIZE DONATING A PORTION OF BATES FIELD ROAD TO ECTOR COUNTY AND PORTIONS OF WEST COUNTY ROAD 171 & SOUTH COUNTY ROAD 1325 TO MIDLAND COUNTY; RETAINING A 60' GENERAL UTILITY EASEMENT; AUTHORIZING THE MAYOR TO SIGN ANY DOCUMENTS NECESSARY TO CONVEY SAID PROPERTY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS NOTICED AND WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING A SEVERABILITY CLAUSE AND DECLARING AN EFFECTIVE DATE

WHEREAS, in 1979 several tracts of land were sold to the City of Odessa in anticipation of constructing a new Wastewater Treatment Facility, now known as the Derrington plant; and

WHEREAS, also included in the sale was a 60-foot-wide road right-of-way that is outside the city limits in both Ector County and Midland County known as Bates Field Road, W.C.R. 171 and S.C.R. 1325. This dedication was to provide access to Section 3, site of the Wastewater Treatment plant, but these roads have historically been maintained by the two Counties involved; and

WHEREAS, the Midland County Commissioners Court and the Ector County Commissioners Court have both agreed to accept the donation of the subject roads. The transfer of property will be by General Warranty deed described by metes and bounds after the Commissioner's Courts accept the dedications; and

WHEREAS, the donation to Ector County and Midland County, the City of Odessa will reserve a General Utility Easement since currently the right-of-way does have existing utility lines;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS:

Section 1. That the donation of a portion of Bates Filed Road to Ector County and portions of West County Road 171 & South County Road 1325 to Midland, County, more specifically described in Exhibits “A”, Exhibit “B” and Exhibit “C”.

Section 2. That a 60’ general utility easement is retained by the City of Odessa, as described in Exhibit “A”, Exhibit “B “and Exhibit “C”.

Section 3. That the Mayor is hereby authorized to sign any documents necessary to convey said property.

Section 4. That should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction be invalid, the same shall not affect the validity of this ordinance or any other ordinance of the city as a whole or any part thereof, other than the part so declared to be invalid.

Section 5. That this ordinance, since it does not impose any penalty or fine, shall go into effect following adoption on second approval as provided by City Charter Sections 61 and 65, without the need for publication.

The foregoing ordinance was first approved on the 27th day of March, A.D., 2024, by the following vote:

Mark Matta	AYE
Steven P. Thompson	AYE
Gilbert Vasquez	AYE
Greg Connell	AYE
Chris Hanie	AYE
Denise Swanner	ABSENT
Javier Joven	AYE

The foregoing ordinance was adopted on second and final approval on the 26th day of March, A.D., 2024, by the following vote:

Mark Matta	AYE
Steven P. Thompson	AYE
Gilbert Vasquez	AYE
Greg Connell	AYE
Chris Hanie	AYE
Denise Swanner	AYE
Javier Joven	AYE

Approved this the 26th of March, A.D., 2024.

Javier Joven, Mayor

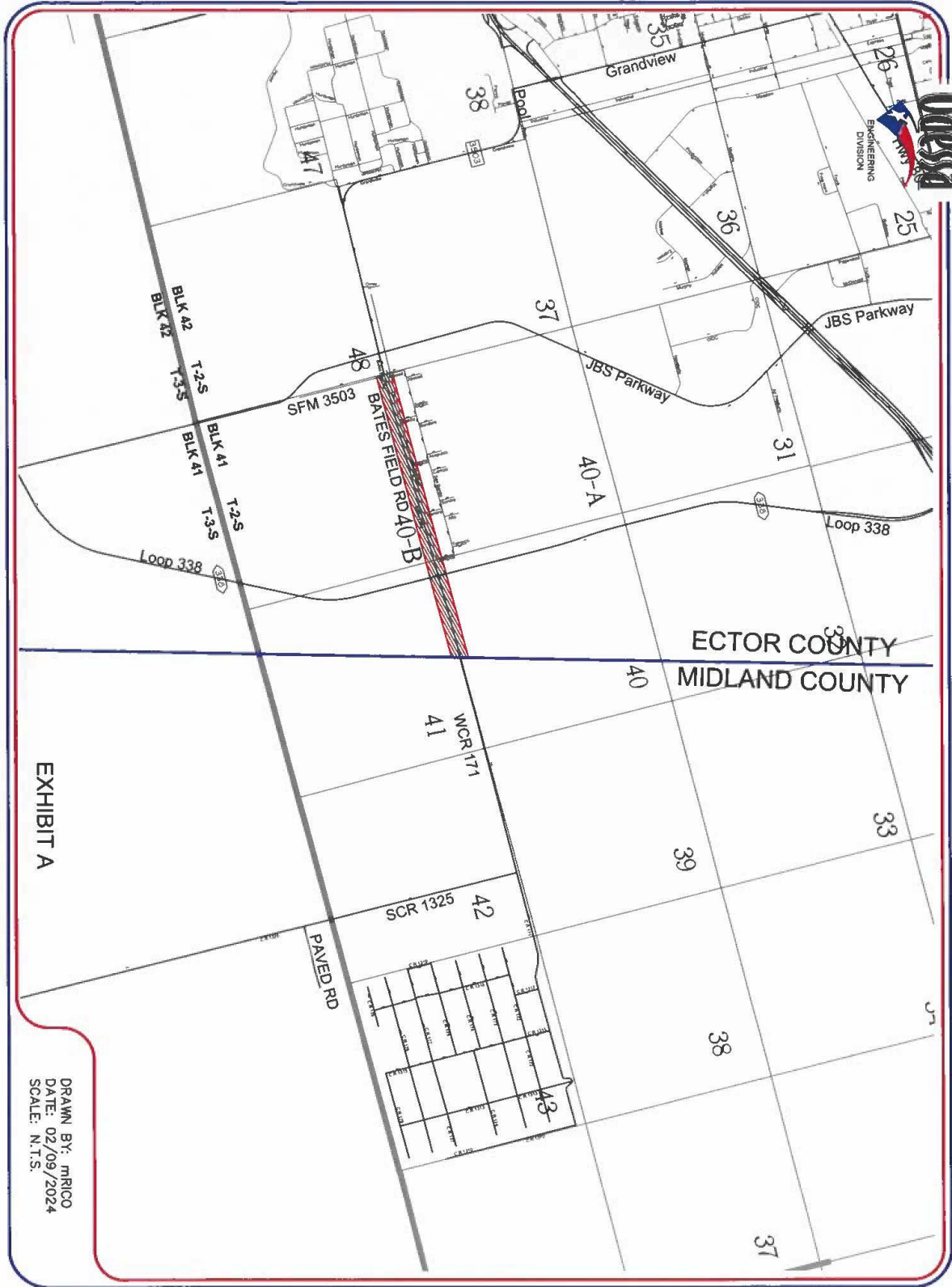
ATTEST:

Norma Aguilar-Grimaldo, City Secretary

APPROVED AS TO FORM:

Daniel C. Jones, City Attorney

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EXHIBIT "A"



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Exhibit C

A right-of-way and easement for the sole purpose of construction, using and maintaining a street with drainage facilities as may be required, and the right to construct, operate, and maintain water, sewer, or other public utilities in or upon said right-of-way, including the right to install underground elementer cables, such right-of-way and easement being described as follows:

Being a 60-foot wide road right-of-way across the E. R. Bryan Survey, Ector County, Texas and across the W. C. Sublett Survey, Ector County, Texas, and across Sections 41 and 42, Block 41, T-2-S, Texas & Pacific Railway Company Survey, Midland and Ector County, Texas, and across a portion of Section 4, Block 41, T-3-s, Texas & Pacific Railway Company Survey, Midland County, Texas, the centerline of which is described as follows:

Ector County portion:

Beginning at a point in the east right-of-way boundary of an Ector County road from which point of the northwest corner of the E. R. Bryan Survey bears S-74°-09'-W, 100 feet and B-15°-14'-W, 30 feet;

Thence N-74°-09'-E, parallel and 30 feet south at right angles to the north boundary of said E. R. Bryan Survey a distance of 2535.16 feet to a point on the common boundary of the W. C. Sublett Survey and the E. R. Bryan Survey, said point being S-15°-14'E, 30 feet from the northeast corner of the E. R. Bryan, Grantee, Survey No. 419, Page P9607, Ector County, Texas;

Thence N-74°-12'-E, parallel to and 30 feet south at right angles to the north boundary of said Section 41, Block 41, T-2-S, Texas & Pacific Railway Company Survey, Ector County, Texas, a distance of 2,660.95 feet to a terminus point on the Midland-Ector County line, from which the northwest corner of Section 41 bears N-74°-12'-E, 2,657.31 feet and N-15°-11'-W, 30 feet, said road right-of-way to include and cover the property extending 30 feet along both sides of the above-described centerline.

Midland County portion:

Beginning at a point on the Midland-Ector County line, said point being the terminus of the above described Ector County portion;

Thence N-74°-12'-E, parallel and 30 feet south at right angles to the north boundary of said Section 41, 2657.31 feet to a point on the east boundary of said Section 41, said point also being S-15°-11'-E, 30 feet from the northeast corner of Section 41;

Thence N-74°-06'-E, parallel and 30 feet south at right angles to the north boundary of said Section 42, Block 41, T-2-S, Texas & Pacific Railway Company Survey, Midland County, Texas a

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EXHIBIT "C"
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distance of 3,513.03 feet to a point, from which the northwest corner of Section 42 bears N-15°-02'-40"-W, 30 feet and N-74°-06'-E;

Thence S-15°-02'-40"-E, 3,950.5 feet to a point of intersection;

Thence S-15°-06'-E, 1,263.07 feet to a point on the south boundary line of Section 42, Block 41, T-2-S, and the north boundary line of Section 4, Block 41, T-3-S, Texas & Pacific Railway Company Survey, Midland County, Texas, from which point the northeast corner of Section 4 and the southeast corner of Section 42 bears N-74°-05'-E, 1809.46 feet;

Thence S-15°-06'-E, 797.13 feet to a point, from which the northeast corner of Section 4 bears S-74°-56'-E, 1,813.2 feet and N-15°-23'-W, 796.3 feet, said road right-of-way to include and cover the property extending 30 feet along both sides of the above-described centerline.

Note: Metes and bounds description is from the original dedication.