

ORDINANCE NO. 2024-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS, AUTHORIZING THE DONATION AND CONVEYANCE OF LOTS 1-6, BLOCK 40, ORIGINAL TOWN, TO ODESSA COLLEGE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING A SEVERABILITY CLAUSE AND DECLARING AN EFFECTIVE DATE

WHEREAS, the City of Odessa is the owner of the surface estate of that certain lot, tract or parcel of land located at 222 E. 4th Street to wit: Lots 1-6, Block 40, ORIGINAL TOWN, Odessa, Ector County, Texas (the "Property"); and

WHEREAS, Odessa College is a public junior college district and an institution of higher education located in Odessa, Ector County, Texas; and

WHEREAS, the City of Odessa and Odessa College entered into a Donation Agreement on October 26, 2021, wherein Odessa College would develop the Property into a multi-use space to be used by and for Odessa College students and the Odessa community; and

WHEREAS, this donation is conditioned on the development by Odessa College of the Property into a multi-use space to be used by and for Odessa College students and the Odessa Community for a public purpose related to higher education; and

WHEREAS, if the Property is not used by Odessa College as stated in the Donation Agreement and is not directly beneficial to the general public, title to the Property will automatically revert to the City of Odessa; and

WHEREAS, the City of Odessa is authorized to donate and convey the Property to Odessa College pursuant to Sections 253.001 and 272.001(j) of the Texas Local Government Code; and

WHEREAS, the City Council of the City of Odessa considers that a valid public need and purpose related to higher education will be fulfilled if the Property is transferred to Odessa College and utilized in accordance with the terms of the Donation Agreement.

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

Section 1. That the City Council believes that a valid public need and purpose related to higher education will be served by the donation pursuant to Section 272.001(j) of the Texas Local Government Code.

Section 2. That the City Council hereby authorizes and consents to the donation and conveyance of Lots 1-6, Block 40, ORIGINAL TOWN, Odessa, Ector County, Texas by Special Warranty GIFT DEED-Fee Simple Determinable to Odessa College, a public junior college district and an institution of higher education.

Section 3. That the Mayor of the City of Odessa is hereby directed to execute any documents necessary to convey the Property pursuant to Section 253.001(c) of the Texas Local Government Code.

Section 4. That should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to 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 12th 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 day of March, A.D., 2024.

Javier Joven, Mayor

ATTEST:

Norma Aguilar, City Secretary

APPROVED AS TO FORM:

Daniel C. Jones, City Attorney