

STATE OF TEXAS §

COUNTY OF ECTOR §

DEED WITHOUT WARRANTY

Date: April 19, 2006

Grantor: City of Odessa

Grantor's Mailing Address:

City of Odessa
P.O. Box 4398
Odessa, TX 79760

Grantee: Ken J. Utzinger

Grantee's Mailing Address:

1406 Wilshire Drive
Odessa, TX 79762

Consideration:

Ten and No/100 Dollars (\$10.00) and other good and valuable consideration; the full receipt of which is hereby acknowledged.

Property (including any improvements):

0.675 acres of parking lot adjacent to Block 44, CRESCENT PARK ADDITION located in Sections 23 and 26, Block 42, T-2-S, T&P Ry. Co. Survey, Odessa, Ector County, Texas, attached hereto as Exhibit "A" and incorporated herein.

Reservations from and Exceptions to Conveyance and Warranty:

SAVE AND EXCEPT all oil, gas and other minerals in, on or under said land as heretofore reserved by prior grantors.

All easements or other delineated encumbrances presently located on the aforementioned property are reserved.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance, grants, sells and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's administrators, successors, or assigns forever, without express or implied warranty.

"Notice of confidentiality rights: If you are a natural person, you may remove or strike any of the following information from this instrument before it is filed for record in the Public Records: your social security number or your driver's license number"

EXECUTED this 19th day of April, 2006.

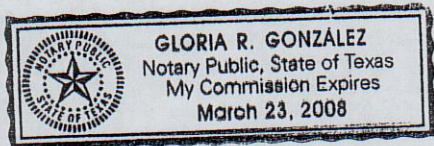
By: Larry L. Melton
Larry L. Melton, Mayor

THE STATE OF TEXAS §

COUNTY OF ECTOR §

BEFORE ME, the undersigned authority, on this day personally appeared **Larry L. Melton**, Mayor, for the City of Odessa, Texas, a municipal corporation of the State of Texas, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was an act of the said City of Odessa, and that he executed the same as the act of the said City of Odessa for the purpose and consideration therein expressed and in the capacity therein stated.

ACKNOWLEDGED, SUBSCRIBED and SWORN to before me this the 19th day of April, 2006.

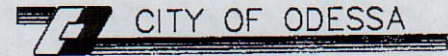


Gloria R. Gonzalez
Notary Public in and for the State of Texas

AFTER RECORDING RETURN TO:

City of Odessa
P.O. Box 4398
Odessa, TX 79760

EXHIBIT "A"



ENGINEERING DIVISION

R.O.W ACQUISITION

CRESCENT PARK ADDITION
SECTION 23, BLOCK 42, T-2-S,
CITY OF ODESSA
ECTOR COUNTY, TEXAS

BEING a track of land out of the South part of Section 23, Block 42, T-2-S, T&P Ry. Co. Survey, Ector Co., Texas, and being more particularly described as follows:

Beginning at the Northeast corner of Lot 11, Blk. 44, Crescent Park Addition;

Thence Westerly along a curve with a Radius of 749.70', Delta Angle of 06°11'47" and a Curve Length of 81.08' to a point of Tangency.

Thence N 74°47'00" W 42.71' to the Northwest corner of Lot 11, Blk. 44;

Thence S 31°18'00" 156.43' along the West boundary line of Lots 1,2,3 and North 10' of Lot 4, BLK. 44;

Thence S 58°42'00" E 120.00' to a point on the West boundary line of said BLK. 44, also being the East ROW line of Maple St.;

Thence N 31°18'00" W 172.17' along the West boundary of said Blk. 44, which is common with the East ROW line of Maple St. to a point of curvature;

Thence Easterly along a curve to the right with a Radius of 30.0', Delta Angle of 106°05' and a Curve Length of 55.55' to a point of Tangency on the South ROW line of 10th St.;

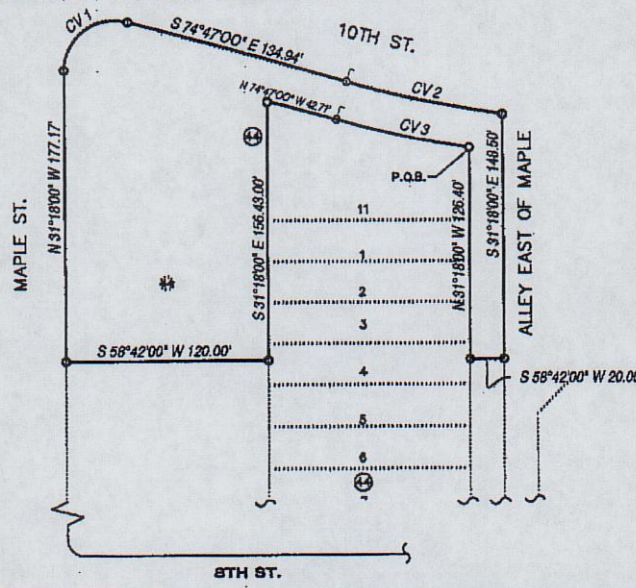
Thence S 74°47'00" E 134.94' along the North boundary line of Blk. 44, also being the South ROW line of 10th St. to a point of curvature;

Thence Easterly along a curve to the left with a Radius of 724.7', Delta Angle of 16°16' and a Curve Length of 205.72' to a point of Tangency on the West ROW line of a 20' Alley;

Thence S 31°18'00" E 148.50' along the East boundary line of said Blk. 44, also being the West ROW line of a 20' Alley;

Thence S 58°42'00" W 20.00' to a point on the East boundary line of Lot 4, Blk. 44;

Thence N 31°18'00" W 126.40' along the East boundary line of Lots 11,1-4 Blk. 44, to the place of beginning containing 29,422.96 sq. ft., which is 0.675 acres of land, more or less.



| TABULATION OF CURVE DATA | | | | |
|--------------------------|----------|--------|---------|--------|
| CURVE NO. | Δ | T | R | L |
| CV1 | 106°05' | 39.87' | 30.0' | 55.55' |
| CV2 | 7°27' | 47.21' | 724.7' | 94.26' |
| CV3 | 6°11'47" | 40.59' | 749.70' | 81.08' |

DRAWN BY: M.nunez
DATE: Oct. 18,2002
SCALE: 1"=100'

Doc Bk
00006245 DR

Vol
2022

Ps
50

Filed for Record in:
Ector County
On: Apr 20, 2006 at 09:39A

As a:

Recording
Document Number: 00006245
Amount 24.00
Receipt Number - 40077
By: Carmen Caballero

STATE OF TEXAS
COUNTY OF ECTOR

I hereby certify that this instrument was
filed on the date and time stamped hereon by me
and was duly recorded in the volume and page
of the named records of:
 Ector County
as stamped hereon by me.
 Apr 20, 2006

ANY PROVISION WHICH RESTRICTS THE SALE,
RENTAL OR USE OF THE DESCRIBED
REAL PROPERTY BECAUSE OF COLOR OR RACE
IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

Linda Haney, County Clerk
Ector County



CITY OF ODESSA

CITY ATTORNEY'S OFFICE

April 28, 2006

Mr. Ken Utzinger
Sagebrush Therapy
818 N. Maple
Odessa, Texas 79761

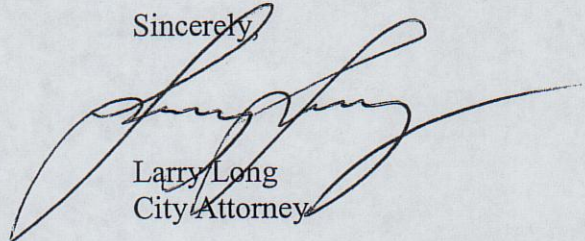
RE: Parking Lot Purchase
814-818 N. Maple (P-3-200)

Dear Mr. Utzinger:

Please find enclosed the Special Warranty Deed, filed in Vol. 2022, Page 47 in the Ector County Deed Records for the conveyance of the above referenced property from the City to you.

Please do not hesitate to give me a call, should you have any questions.

Sincerely,



Larry Long
City Attorney

LL/rh



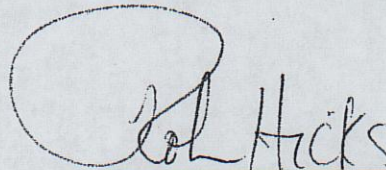
MEMORANDUM

CITY OF ODESSA Legal Department

DATE: April 28, 2006
TO: James Zentner, Director of Finance
FROM: Robin Hicks, Legal Assistant
CC: Larry Long, City Attorney
RE: Sale of Parking Lot on NE Corner of 8th & Maple (P-3-200)

Please find attached check no. 6002, in the amount of \$4,256.00, from SageBrush Physical Therapy, for the acquisition of the above referenced property. Please also find enclosed a copy of the Special Warranty Deed, conveying the property from the City to Ken Utzinger.

Thank you for processing the check. Please do not hesitate to give me a call, should you have any questions.

A handwritten signature in cursive script that reads "Robin Hicks". The signature is written in dark ink and is positioned above a horizontal line.

Robin Hicks, Legal Assistant

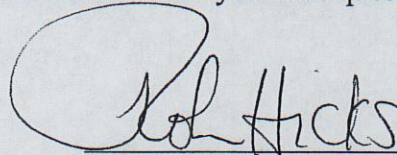
enclosures

MEMORANDUM CITY OF ODESSA
Legal Department

DATE: April 26, 2006
TO: Norma Aguilar, City Secretary
FROM: Robin Hicks, Legal Assistant
RE: .675 acres of parking lot adjacent to Block 44, Crescent Park Addition (P-3-200)

Enclosed please a copy of the filed Special Warranty Deed for the above referenced property. I am sending a copy because I mailed the original to the new owner.

Thank you for your assistance in this matter. Please call if you have questions.

A handwritten signature in cursive script, appearing to read "Robin Hicks", is written over a horizontal line.

Robin Hicks, Legal Assistant

enclosure

Sagebrush
PHYSICAL THERAPY

March 13, 2006

Mr. Larry Long
Legal Department
Odessa City Attorney
PO Box 4398
Odessa, TX 79760-4398

Re: Parking Lot Purchase
814 - 818 N Maple

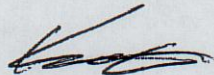
Dear Mr. Long,

It is definitely good to be back home! But even the Army gave me at least one-half day a week off, (My wife still has honey-do's for me to catch up on).

In accordance with Resolution 2003R-55, I am enclosing a check for \$4256.00 to purchase parking lot (.675 acres) at 814 - 818 N Maple.

Thank you very much for your prolonged patience regarding the purchase of this property. If there is anything we can do to help you in the future please let me know.

Most sincerely,



Kenneth Utzinger, MAPT, CSCS
SageBrush Physical Therapy

RECEIVED
MAR 15 2006
CITY ATTORNEY

6002

SageBrush Physical Therapy

818 N. Maple Street
Odessa, TX 79761
(432) 337-4649

STATE NATIONAL BANK
88-1785-1113

3/14/2006

PAY TO THE
ORDER OF

City of Odessa

\$ **4,256.00

Four Thousand Two Hundred Fifty-Six and 00/100 *****

DOLLARS

City of Odessa
BILLING & COLLECTION
P.O. BOX 2552
ODESSA, TX 79760-2552

Anna S. Lucas
MP

MEMO

(.675 acres) Resolution 2003R-55

⑆006002⑆ ⑆1317857⑆ ⑆0300245910⑆

SAGEBRUSH PHYSICAL THERAPY

City of Odessa

3/14/2006

6002

4,256.00

State National-Checki (.675 acres) Resolution 2003R-55

4,256.00

081064/07-06



CITY OF ODESSA

CITY ATTORNEY'S OFFICE

*Legal File
There is one
on this property*

March 13, 2006

Mr. Ken J. Utzinger
1406 Wilshire Drive
Odessa, TX 79762

RE: Sale of a Portion of the Parking Lot on N.E. Corner of 8th Street and Maple
(P-3-200)

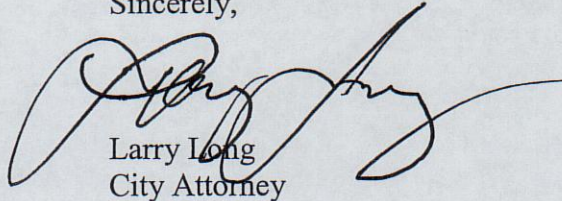
Dear Mr. Utzinger:

Welcome Home! Enclosed please find a copy of a Deed without Warranty on the aforementioned property for your review and approval. The conveyance of this property was authorized by Resolution 2003R-55 on May 13, 2003. The cost for your portion of the parking lot (.675 acres) is \$4,265.00. Please send payment for this property at your earliest convenience. The City will send you an executed deed.

Our research has indicated that the sign located on this property may be refurbished for certain uses. It will be necessary for you to contract Marwan Khoury of the Planning Department to ascertain which uses of the sign are allowable. His telephone number is 432-335-3211.

If you have any questions concerning this letter, or if I can be of any further assistance, please do not hesitate to give me a call.

Sincerely,

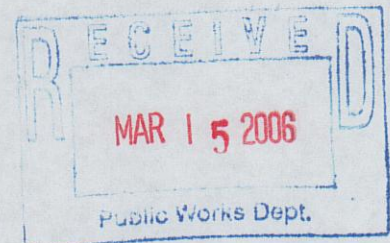


Larry Long
City Attorney

cc: Richard N. Morton, City Manager
Matthew S. Squyres, Director of Public Works
Marwan Khoury, Director of Planning
Rick Browning, Attorney at Law

enclosure

LL/rh





CITY OF ODESSA

LEGAL DEPARTMENT

June 5, 2003

Mr. Ken E. Utzinger
1406 Wilshire Drive
Odessa, TX 79762

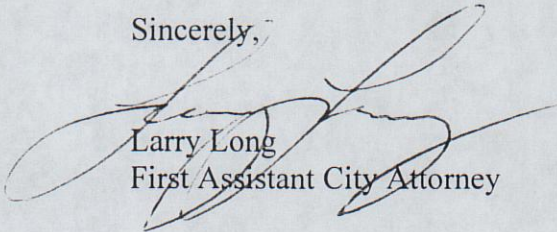
RE: Sale of a Portion of the Parking Lot on N.E. Corner of 8th Street and Maple
(P-3-200)

Dear Mr. Utzinger:

Enclosed please find a copy of a Deed without Warranty on the aforementioned property for your review. The conveyance of this property was authorized by Resolution 2003R-55 on May 13, 2003. The cost for your portion of the parking lot (.675 acres) is \$4,265.00. If this deed meets your approval, please send payment for this property at your earliest convenience. The City will send you an executed deed.

If you have any questions concerning this letter, or if I can be of any further assistance, please do not hesitate to give me a call.

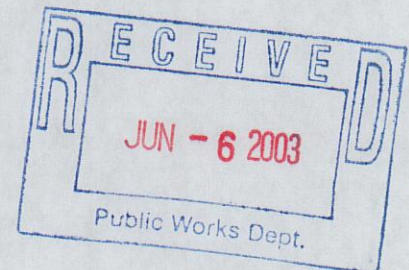
Sincerely,


Larry Long
First Assistant City Attorney

LL/ms

enclosure

cc: Matt Squyres, Director of Public Works
James Zentner, Director of Finance



RESOLUTION NO. 2003R-55

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS, AUTHORIZING THE CONVEYANCE OF THE CITY OF ODESSA'S INTEREST IN APPROXIMATELY 86,231 SQUARE FEET IN TRACT 44A, BLOCK 44, CRESCENT PARK, 2ND FILING, ODESSA, ECTOR COUNTY, TEXAS; AUTHORIZING THE MAYOR TO EXECUTE ANY DOCUMENTS NECESSARY TO IMPLEMENT THIS RESOLUTION; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Odessa has an interest in the aforementioned property; and

WHEREAS, the adjacent property owner has expressed an interest in purchasing the interest of the City of Odessa in order to replat and redevelop this area; and

WHEREAS, all requirements of the local government code have been satisfied;

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

Section 1. That the interest that the City of Odessa has in the approximately 86,231 square feet described by the Ector County Appraisal District as Tract 44A, Block 44, CRESCENT PARK, 2nd FILING, Odessa, Ector County, Texas, as shown on the attached map, is hereby authorized to be sold to the adjacent property owners for \$12,500, which meets or exceeds the current market value assessed by the Ector County Appraisal District, and for the cost of replatting the property.

Section 2. That this resolution shall be effective at the time of its adoption.

The foregoing resolution was approved and adopted on the 13th day of May, A.D., 2003, by the following vote:

| | |
|----------------|-----|
| Bill Cleaver | AYE |
| Cathy Herzog | AYE |
| Royce Bodiford | AYE |
| Brandon Tate | AYE |
| Berta Calzada | AYE |

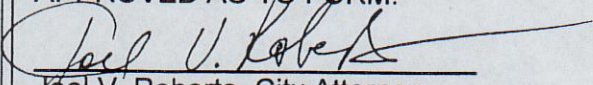
Approved the 13th day of May, A.D., 2003.

Larry Melton, Mayor

ATTEST:

Norma A. McClure, City Secretary

APPROVED AS TO FORM:



Joel V. Roberts, City Attorney

Resolution # 2003R-56

Legal File
 * Hold for move ^{copy!}
 into to come ^{lease}
 File

CITY OF ODESSA
 CITY COUNCIL AGENDA ITEM

| | |
|-----------------------------|------------------------------------------------------------------------|
| Meeting Date: 05/13/2003 | Item Type: |
| Contact: Matthew S. Squyres | <input checked="" type="radio"/> Consent <input type="radio"/> Regular |
| Department: Public Works | |

CAPTION

Consider the conveyance of the City of Odessa's interest in approximately 86,231 square feet adjacent to Block 44, CRESCENT PARK 2nd FILING, Odessa, Ector County, Texas, to the adjacent property owners. (Resolution)



SUMMARY OF ITEM

When the shopping center on the northeast corner of 8th Street and Dixie was originally developed, the City of Odessa was given a property interest in the parking area that surrounds the platted lots, which are now owned by Mr. Kenneth Utzinger and Dr. Suresh Gadasalli. They have requested that the City release its interest in this property. They have agreed to pay the City \$12,500, which meets or exceeds the fair market value assessed by the Ector County Appraisal District, and they have agreed to pay for replatting the property. Currently, this property is not being taxed and its sale would add it to the tax roles.

FISCAL IMPACT? Yes No

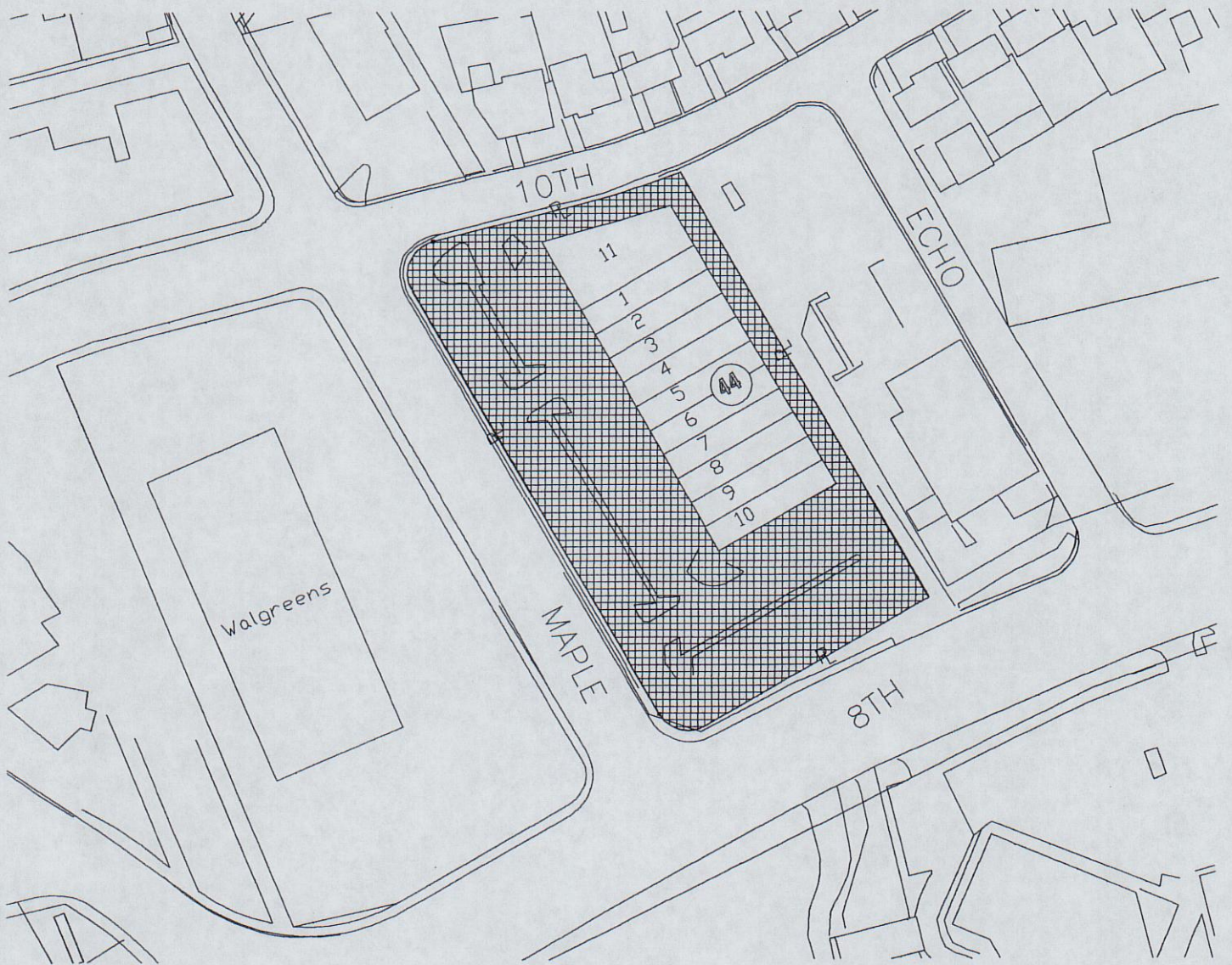
Comments:

Supporting Documents: Other Departments, Boards, Commissions or Agencies:

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <p>Resolution:</p>  <p>8th & Maple Parking Lot-RES.d</p> <p>Map:</p>  <p>8th & Maple Parking Lot-MAP.r</p> | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

| Approvers | Title | Assigned | Notified | Received | Status Changed | Status |
|-------------------|-------|------------|------------|------------|----------------|----------|
| Matt Squyres | - | 04/30/2003 | 04/30/2003 | 04/30/2003 | 04/30/2003 | Approved |
| Joel Roberts | - | 04/30/2003 | 04/30/2003 | 04/30/2003 | 04/30/2003 | Approved |
| Felicia Nzere | - | 04/30/2003 | 04/30/2003 | 04/30/2003 | 05/01/2003 | Approved |
| James Zentner | - | 05/01/2003 | 05/01/2003 | 05/01/2003 | 05/01/2003 | Approved |
| David Willard | - | 05/01/2003 | 05/01/2003 | 05/01/2003 | 05/01/2003 | Approved |
| Richard N. Morton | - | 05/01/2003 | 05/01/2003 | 05/01/2003 | 05/01/2003 | Approved |

- Approval conditions: 100 % approval
- Routing method: Serial (one at a time)
- Approvers:
 - Matt Squyres/PW/odessa_notes
 - Joel Roberts/LE/odessa_notes
 - Felicia Nzere/FI/odessa_notes
 - James Zentner/FI/odessa_notes
 - David Willard/CM/odessa_notes
 - Richard N. Morton/CM/odessa_notes
- Automatically Delegate to Assistant... No



**PROPOSED CONVEYANCE
LOCATION MAP**

DRAWN BY: J. H.
DATE: APRIL 2002
SCALE: N.T.S.