

RESOLUTION NO. 02-2010

A RESOLUTION DECLARING INTENT TO SELL PERSONAL PROPERTY, INCLUDING MOTOR VEHICLES ACQUIRED FOR THE USE OF MUNICIPAL OFFICERS AND DEPARTMENTS, AND ROAD MACHINERY, EQUIPMENT, TOOLS, OR SUPPLIES NOT NEEDED FOR PUBLIC USE, OR IS OBSOLETE OR UNFIT FOR THE USE FOR WHICH IT WAS ACQUIRED BY INTERNET AUCTION.

WHEREAS, Ohio Revised Code, section 721.15(D) authorizes Village Council to sell, regardless of the property's value, personal property, including motor vehicles acquired for the use of municipal officers and departments, and road machinery, equipment, tools, or supplies, which is not needed for public use, or is obsolete or unfit for the use for which it was acquired, by internet auction; and

WHEREAS, Council has determined that it would be in the best interest of the Village to take advantage of the technology available in order to obtain a broader exposure to the market in an efficient manner and to achieve the highest value for the sale of personal village property; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF OAK HARBOR, OTTAWA COUNTY, OHIO:

Section 1. That the Fiscal Officer shall cause a copy of this Resolution to be published in a newspaper of general circulation giving notice of the Village's intention to sell via internet auction, i.e., GovDeals. Further, a second publication shall take place not less than ten nor more than 20 days after the first notice. The Fiscal Officer shall cause the same two notices to be published on or around the same dates on an annual basis thereafter. Both annual notices shall serve as notice to the public that the Village may list a variety of items throughout the year and updated lists are available as set out in division 2(a) of this Resolution

Section 2. (a) A copy of this Resolution and each new updated list of items the Village intends to sell shall be continually and timely posted in a conspicuous place in the Village Hall, in the Village Administration Building, and on the Village website. Items up for internet auction by the Village shall be advertised under the seller i.d. of "oakharborvillage".

(b) The Village Administrator or his designee shall be available by appointment at (419) 898-5561 for any consumer-requested inspections related to said public sale.

(c) Any list or inventory of items to be sold shall be posted as required in Section 1 of this Resolution.

(d) The Village shall conduct the internet auction via GovDeals (or other similar bidding site as long as notice is given) using the parameters provided by the auction site. Minimum price or reserve may be set, but is not required by law.

(e) Bidding shall continue for no less than 15 days, including Saturday and Sunday and legal holidays, and shall be set for each item as noted on the internet auction site.

(f) All terms and conditions of sale, including but not limited to pick-up and delivery, method of payment, sales tax, complete descriptions and/or pictures of the items, shall be specified for each item on the internet at the time of the auction.

(g) The equipment, motor vehicles, road machinery, tools or supplies offered by the Village for internet auction is not needed for public use or is obsolete or is unfit for use.

(h) The highest bidder upon the close of the open bidding period will be deemed to be the successful bidder at the internet auction. Upon the close of the auction, GovDeals will collect all auction proceeds due the Village and remit the auction proceeds to the Village minus the GovDeals fees. Notwithstanding the foregoing, all payment options are subject to the approval of the Village Fiscal Officer.

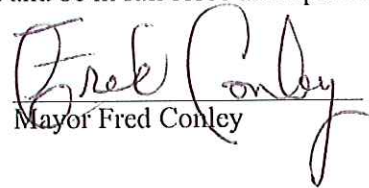
(I) All communication with the successful buyer shall be in writing. Arrangements and costs associated with delivery of the subject vehicle to the successful bidder shall be the sole responsibility of the purchaser. Risk of loss will be transferred to the successful bidder upon the tendering of the goods to the shipping company chosen by the purchaser.

(j) All items shall be sold without warranty in "As Is" condition. All advertisements, listings, and notices shall be subject to the following language:

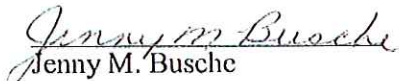
"The Village of Oak Harbor, its officers, employees, and agents offer this item for sale "As Is" without any warranty or condition, express, implied or statutory. The Village of Oak Harbor, its officers, employees and agents, specifically disclaim any implied warranties of title, merchantability, fitness for a particular purpose, and non-infringement."

Section 3. That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council; and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. That this Resolution shall take effect and be in full force and operation at the earliest date permitted by law.


Mayor Fred Conley

ATTEST:


Jenny M. Busche
Fiscal Officer

First Reading: Mar. 1, 2010

Second Reading: Mar. 15, 2010

Third Reading: Apr. 5, 2010

Adopted: Apr. 5, 2010