

VILLAGE OF GEORGETOWN, OHIO

RESOLUTION NO. 1195

**RESOLUTION DECLARING INTENT TO CONDUCT INTERNET AUCTIONS  
FOR THE SALE OF UNNEEDED, OBSOLETE OR UNFIT VILLAGE PERSONAL  
PROPERTY EFFECTIVE FROM JUNE 13, 2019 UNTIL JUNE 13, 2020**

**WHEREAS**, ORC § 721.15 authorizes a municipal corporation to dispose of unneeded, obsolete or until personal property through the use of an internet auction; and

**WHEREAS**, ORC § 721.15(D) requires a Village Council to adopt, during each calendar year, a resolution expressing its intent to sell personal property by internet auction as set forth in Exhibit A; and

**WHEREAS**, Govdeals Online Auction is an internet surplus auction programs which complies with the requirements of the Ohio Revised Code; and

**BE IT RESOLVED** by the Council of the Village of Georgetown, Brown County, Ohio, a majority or more of all members thereof concurring as follows:

**Section 1.** The Village of Georgetown does hereby express its intent to dispose of unneeded, obsolete or unfit personal property by internet auction from the date of passage for a period of one year as set forth in Exhibit A attached hereto and made part hereof.

**Section 2.** The personal property disposed of through Internet Auctions may include as specified in ORC § 721.15(D), personal property, motor vehicles acquired for other use of municipal officers and departments, road machinery, equipment, tools or supplies, any of which is either unneeded, obsolete, or unfit for the use for which it was acquired.

**Section 3.** The Village is authorized to contract with Govdeals Online Auction to conduct internet auctions on the Village of Georgetown's behalf.

**Section 4.** The Village will publish or post this resolution on the Village's website and conspicuously at the Village Municipal Building.

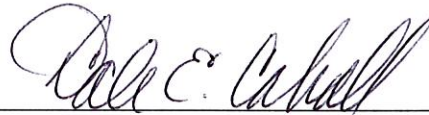
**Section 5.** The Village Administrator or his designee is hereby appointed as the Village's representative for purposes of administering the internet auction program and is hereby given the authority needed to effectuate the same.

**Section 6.** The Village Administrator is hereby directed to prepare and submit to the Village Council as requested, a report which details the sale of unneeded, obsolete or unfit personal property by internet auction as well as any other information which this Council may request from time to time.

**Section 7.** That the Council hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of the 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 8.** This Resolution shall be in full force and effect from and after the earliest date allowed by law.

Passed and adopted at a legally convened meeting of Council held on the 13<sup>th</sup> day of June, 2019.



\_\_\_\_\_  
Dale E. Cahall, Mayor

Attest:



\_\_\_\_\_  
Natalie K. R. Newberry, Fiscal Officer

## EXHIBIT A

### **General Terms and Conditions for the Sale of Unneeded, Obsolete or Unfit City Personal Property (the "Property") by Internet Auction**

1. All auctions shall be conducted on a continuous basis through the Village of Georgetown.

2. All Property auctions will be conducted in such a manner that the highest bid for the Property shall prevail. However, the Village of Georgetown reserves the right for its representative to cancel bids in an auction of an individual item or group of items if one or more of the following circumstances apply:

- a. It is determined that an auction shall be cancelled or terminated early;
- b. A bidder requests permission to back out of a bid;
- c. The identify of a bidder cannot be verified; or
- d. It is determined that a bidder is purchasing the Property for a use contrary to the health, welfare or safety of the Village or the general public.

3. All Property auctions will accept bidding by proxy. If a bidder elects to utilize proxy bidding, the bidder must establish a maximum bid amount and permit the Internet auction system to incrementally increase the bidder's initial bid until the maximum bid amount is reached, if necessary.

4. The number of days of bidding on the Property involved, as specified in ORC §721.15 will be at least 15 days including, Saturdays, Sundays and legal holidays.

5. The Village of Georgetown reserves the right at a later date, through its representative, to establish the minimum prices that may be accepted for any Property that is the subject of the Internet auction, the terms and conditions of any particular sale that may occur, including, but not limited to requirements for pick up and/or delivery of the Property, method of payment, and payment of sales tax in accordance with applicable laws.

6. The information described in paragraph 4 above will be provided on the Internet at the time of the auction itself, or will be provide before that time, upon request, if the Village Administrator or its representative has determined the terms and conditions.

7. Any property listed and sold by Internet auction shall be on an "as is" and "where is" basis. Regarding any property which is listed or purchased by Internet auction, the Village of

Georgetown expressly disclaims any and all warranties of any kind, whether express or implied including but not limited to the implied warranties of merchantability, fitness for a particular purpose and non-infringement, the bidder purchases the property at their sole risk.

8        Limitation of Liability. In no event shall the Village of Georgetown, its officers, employees or agents be liable to a bidder or any other person or entity for any claim, damage, or loss whatsoever, including without limitation, direct, special, consequential, indirect or incidental damages arising out of the sale of the property or the use of the property, however caused, whether for breach of contract, tort, negligence or under any other legal theory, whether foreseeable or not.