

RESOLUTION NO. 2011-02-S&S

RESOLUTION DECLARING INTENT TO CONDUCT AN INTERNET AUCTION FOR THE SALE OF UNNEEDED, OBSOLETE OR UNFIT VILLAGE PERSONAL PROPERTY AND DECLARING AN EMERGENCY

WHEREAS, Section 721.15 of the Ohio Revised Code authorizes a municipal corporation to dispose of unneeded, obsolete or unfit personal property through the use of an internet auction; and

WHEREAS, ORC Section 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.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Village of Greenhills, Hamilton County, Ohio, two-thirds of all members elected thereto concurring.

Section 1.

That the Council for the Village of Greenhills does hereby express its intent to dispose of unneeded, obsolete or unfit personal property by internet auction during the calendar year 2011.

Section 2.

The personal property disposed of through internet auction may include, as specified in ORC Section 721.15(D), motor vehicles acquired for the 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.

That the internet auction will be conducted through the Hamilton County Surplus Asset Program offered through the Hamilton County Purchasing Department in such manner and under such general terms and conditions as are set forth in Exhibit A, a copy of which is attached hereto and incorporated into this resolution.

Section 4.

That the County Purchasing Director for Hamilton County is hereby appointed the Village Council's representative for purposes of administering the internet auction program and is hereby given the authority needed to effectuate the same.

Section 5.

The Municipal Manager is hereby authorized and directed to enter into an agreement with Hamilton County to participate in the Hamilton County Surplus Asset Program and to take such further actions as required by such program.

Section 6.

That the Clerk of Council be, and hereby is, instructed to publish this resolution in the *Court Index*, a newspaper of general circulation and to post this Resolution continually throughout calendar year 2011 in a conspicuous place in the Village offices and on the Village internet website in accordance with the publication requirements set forth in ORC Section 721.15(D).

Section 7.

That this resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village, and for the further reason that this Resolution is required to be immediately effective in order to participate in the internet auction of the Hamilton County Surplus Asset Program at the soonest possible date; and therefore, this resolution shall take effect immediately upon its passage.

Passed this 4th day of Janaury. 2011.

Fred Murrell, MAYOR /s/

Kathryn L. Lives, CLERK OF COUNCIL /s/

State of Ohio)

County of Hamilton) SS:

I, Kathryn L. Lives, Clerk of Council, Village of Greenhills, Ohio, do hereby certify that the foregoing is taken and copied from the record of the proceedings of said meeting; that the same has been compared by me with the Resolution on said record and that it is a true and correct copy thereof.

Witness my signature, this _____ day of _____, 2011.

Clerk of Council

EXHIBIT A

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

1. All auctions shall be conducted on a continuous basis through the Hamilton County, Ohio website which can be located at <http://www.hamilton-co.org/> or <http://www.hamiltoncountyohioauction.com/PS/>
2. All Property auctions will be conducted in such a manner that the highest bid for the Property shall prevail. However, the Council for the Village of Greenhills (the "Council") 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 canceled or terminated early,
 - b. A bidder requests permission to back out of a bid,
 - c. The identity 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 Greenhills, Ohio 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 *R.C. 307.12*, will be at least 15 days, including Saturdays, Sundays and legal holidays.
5. The Council 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 5 above will be provided on the internet at the time of the auction itself, or will be provided before that time, upon request, if the Council 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 COUNCIL 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 GREENHILLS, OHIO, ITS VILLAGE COUNCIL, ITS MAYOR, 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.**