

RESOLUTION 25-01

A RESOLUTION AUTHORIZING THE SALE OF 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OFFICERS AND DEPARTMENTS, AND ROAD MACHINERY, EQUIPMENT, TOOLS OR SUPPLIES, WHICH IS NOT NEEDED FOR PUBLIC USE OR IS OBSOLETE OR UNFIT FOR THE USE FOR WHICH IT WAS ACQUIRED, BY INTERNET AUCTION.

WHEREAS, Chapter 721 of the Ohio Revised Code grants municipal corporations the special power to sell property not needed for any municipal purpose; and,

WHEREAS, the Village of Mechanicsburg, pursuant to Chapter 721.15 (D) of the Revised Code grants that the legislative authority of a municipal corporation may sell 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officers and departments, and road machinery, equipment, tools, or supplies, which is not needed for public use or is obsolete or unfit for the use it was acquired, by internet auction; and,

WHEREAS, the Village Council of the Village of Mechanicsburg, Ohio has elected by a majority vote of its members to dispense with the requirement of Section 721.15(A) of the Ohio Revised Code;

NOW BE IT THEREFORE RESOLVED by the Council of the Village of Mechanicsburg, Ohio, as follows:

1. The legislative authority of the Village Of Mechanicsburg hereby expresses its intent to dispose of unneeded, obsolete or unfit personal property by Internet auction and;
2. The personal property disposed of through Internet auction may include, as specified in ORC 721.15 (D) 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officers and departments, and road machinery, equipment, tools or supplies, which is not needed for public use, or is obsolete or unfit for use for which it was acquired; for items valued at \$2,500.00 (two thousand five hundred dollars) or less upon authorization by the Mayor of Mechanicsburg and;
3. That the Internet auction will be conducted in the following manner under the following general terms and conditions:
 - a. All bidders and other participants of this auction shall agree that they have read and fully understand these terms and agree to be bound **hereby**.
 - b. **Minimum Bidding Period.** Each item shall have a bidding period of at least ten days, including Saturdays, Sundays, and holidays.
 - c. **Guarantee Waiver.** All property is offered for sale **"AS IS, WHERE IS"**. Village Council of the Village of Mechanicsburg, Mechanicsburg, Ohio (Seller) makes no warranty, guarantee or representation of any kind, expressed or implied, as to the merchantability or fitness for any purpose of the property offered for sale. The Buyer is not entitled to any payment

for loss of profit or any other money damages - special, direct, indirect or consequential.

- d. **Description Warranty.** Seller warrants to the Buyer that the property offered for sale will conform to its description. Any claim for misdescription must be made prior to the removal of the property. If Seller confirms that the property does not conform to the description, the Seller will keep the property and refund any money paid. The liability of the Village Council of the Village of Mechanicsburg, Ohio shall not exceed the actual purchase price of the property. Please note that upon removal of property **all sales are final.**
- e. **Personal and property risk.** Persons attending during the exhibition, sale or removal of goods assume all risk of damage of or loss to person and property and specifically release the Seller and the Internet auction operation from liability therefore.
- f. **Inspection.** Most items offered for sale are used and may contain defects not immediately detectable. Bidders may inspect the property prior to bidding. Bidders must adhere to the inspection dates and times indicated in the item description. Please contact **April Huggins Davis, Village Administrator, (937) 834-3187** to schedule an inspection.
- g. **Consideration of Bid.** The Village Administrator or Council of the Village of Mechanicsburg, Ohio reserves the right to reject any and all bids and to withdraw from any sale any of the items listed.
- h. **Buyer's Certification.** Successful bidders shall provide certification from the Internet auction operation, via mail or email prior to removal.
- i. **Payment.** Payment in full is due no later than five (5) business days from the time and date of award. Acceptable forms of payment are: Cashier's Check, Certified Check, Money Order, and US Currency. Personal checks shall not be accepted. Checks shall be made payable to the Village of Mechanicsburg, Ohio. Bidder forfeits sale of merchandise if payment is not received at the close of 5 (five) business days.
- j. **Removal.** All items must be removed within ten (10) business days from the time and date of award. Purchases will be released only upon receipt of payment as specified. Successful bidders are responsible for loading and removal of any and all property awarded to them from the place where the property is located as indicated on the website. The Buyer will make all arrangements and perform all work necessary, including packing, loading and transportation of the property. Under no circumstances will the Village of Mechanicsburg assume responsibility for packing, loading or shipping. Property must be removed between the hours of 8:30 a.m. and 3:30 p.m., Monday through Friday, excluding legal holidays. For additional information contact the Village Administrator.
- k. **Default.** Default shall include (1) failure to observe these terms and conditions; (2) failure to make good and timely payment; or (3) failure to remove all items within the specified time. Default may result in termination of the contract and suspension from participation in all future sales until the default has been cured. If the Buyer fails in the performance

of his obligations, Seller may exercise such rights and may pursue such remedies as are provided by law. Seller reserves the right to reclaim and resell all items not removed by the Buyer 30 (thirty) days from the specified removal date.

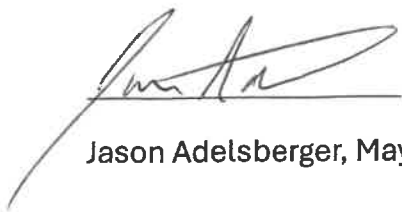
- i. **Acceptance of Terms and Conditions.** By submitting a bid, the bidder agrees that they have read, fully understand and accept the Terms and Conditions of Internet Sales, and agree to pay for the removal of the property, if the bid is accepted, by the dates and times specified.
- m. **State/Local Sales and/or Use Tax.** Buyers may be subject to payment of State and/or Local sales and /or Use tax. The Village of Mechanicsburg, Ohio is not responsible for the collection of taxes. Buyers are responsible for contacting the appropriate tax office, completing any forms, and paying any taxes that may be imposed.
- n. **Sales to Employees.** Employees of the Village of Mechanicsburg may bid on the property of the Village of Mechanicsburg, Ohio, provided they do not bid while on duty. Any officer or employee participating in the determination of certain property as surplus shall not submit a bid for its purchase.

and be it further RESOLVED:

- 4. The Village of Mechanicsburg will publish in a newspaper of general circulation, a summary of the information contained in this resolution and that its summary will be published within thirty (30) days of adoption of this resolution and the second date being at least ten (10) days after but not more than 20 days after the first publication of the notice;
- 5. The Village of Mechanicsburg reserves the right, at a later date but prior to commencement of bidding, to establish the minimum prices that may be accepted for any property that is subject to 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. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that the deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements including section 121.22 of the Ohio Revised Code.
- 7. This ordinance shall take effect and be in force at the earliest period allowed by law.

First Reading: DATE: 1-6-25
Second Reading: DATE: 1-20-25
Third Reading: DATE: 2-3-25

Adopted 2-3-25,



Jason Adelsberger, Mayor



Roger Brake, Clerk of Council

Summary Published 2-7 2025 ~~2024~~ 2-14 2025