

RESOLUTION NO. 1 (24-25)

A Resolution expressing the intent of the legislative authority of the City of Marietta, Ohio to sell or dispose of municipal personal property by internet auction pursuant to Ohio Revised Code 721.15 (D) for the calendar year of 2024, and declaring an EMERGENCY.

WHEREAS, the City of Marietta, Ohio owns personal property, including motor vehicles acquired for the use of the municipal corporation, its officers and departments, road machinery, equipment, tools and/or supplies, which are not needed for municipal use, or are obsolete or unfit for the use of which they were acquired; and,

WHEREAS, it is determined that personal property owned by the City of Marietta, Ohio which no longer serves a useful municipal public purpose may be sold by internet auction pursuant to Ohio Revised Code 721.15 (D); and,

WHEREAS, this Resolution expresses the intent of the Council of the City of Marietta, Ohio to sell or dispose of municipal personal property which is no longer needed for municipal use, obsolete or unfit for the use of which they were acquired, by internet auction; and,

WHEREAS, the proceeds from the sale of such property shall be deposited in the General Fund or in the appropriate fund as determined by the Auditor in accordance with the Ohio Revised Code; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARIETTA, OHIO:

- Section 1: That the City of Marietta is authorized to sell or dispose of municipal personal property no longer needed for municipal use, obsolete or unfit for the use of which they were acquired, by internet auction for the calendar year 2024.
- Section 2: That items will be sold through the online auction service offered by GovDeals, Inc. A description of the manner of the internet auctions to be held, as set forth in the city's current agreement with GovDeals, Inc. shall be available on GovDeals, Inc.'s website. Additionally, rules and information pertaining to said auctions shall be available on GovDeals, Inc.'s website
- Section 3: That the general terms of said internet auction sales shall include the following:

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- (1) All municipal property is purchased AS IS, WHERE IS. The City of Marietta, Ohio makes no warranty, guaranty 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;
- (2) Description Warranty. The City of Marietta, Ohio warrants to the Buyer the property offered for sale will conform to its description. Any claim for misdescription must be made prior to removal of the property. If the City of Marietta, Ohio confirms the property does not conform to the description, the City of Marietta, Ohio will keep the property and refund any money received from the auction. The liability of the City of Marietta, Ohio shall not exceed the actual purchase price of the property. Please note upon removal of the property, all sales are final.
- (3) Personal and property risk. Persons attending during exhibition, sale or removal of goods, assume all risks of damage of or loss to person and property and specifically release the City of Marietta, Ohio and GovDeals from any and all liability.
- (4) Inspection. Most assets 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 asset description. See special instructions on each asset page for inspection details.
- (5) The City of Marietta, Ohio reserves the right to reject any and all bids and to withdraw from sale any of the assets listed.
- (6) A successful bidder will receive a Buyer's Certificate by email from GovDeals.
- (7) Auctions will be conducted at various times throughout the year as the property of the City of Marietta, Ohio becomes available as determined by the legislative authority of the City. The minimum number of days that an auction

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will be held for any item of City of Marietta municipal property shall be fifteen (15) days, including Saturdays, Sundays and legal holidays.

- (8) At the close of bidding, the successful bidder will pay for the item as directed by the website (www.govdeals.com).

Buyers are responsible for all costs of picking up, shipping or otherwise transporting the property from its location in the City of Marietta, Ohio. The Buyer will make all arrangements and perform all work necessary including packing, loading and transportation of the property. Under no circumstances will the City of Marietta, Ohio assume responsibility for packing, loading or shipping. Buyer shall remove the purchased item from City of Marietta, Ohio property within thirty (30) days (unless otherwise agreed by the City of Marietta, Ohio) from the time and date of the issuance of the Buyer's Certificate. A daily storage fee of \$25.00 may be charged for any item not removed within the thirty (30) business days allowed and stated on the Buyer's Certificate. If the property is not removed during the stated period of time, the buyer shall forfeit his or her right to purchase the property, will receive a refund of the purchase price, and the item will be re-auctioned. If a buyer who has failed to pick up an item purchased from the online auction fails to do so a second time, the purchase price for the second or subsequent items not picked up will NOT be refunded.

- (9) The Office of the Director of Public Safety and Service will make up to two (2) scheduled appointments for pick-up. If the buyer is not present at the scheduled time and place for the second appointment, the buyer loses all rights to purchase said property, the purchase price will be refunded, and the City of Marietta, Ohio will re-auction the item.
- (10) For any vehicle or property requiring a title, the City of Marietta, Ohio will provide a vehicular title as soon as practicable after said purchase.
- (11) The Director of Safety and Service shall establish a minimum price that will be accepted for each specific item of municipal personal property.

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- (12) Buyer may be subject to payment of State and/or local sales and/or use tax. Buyer is responsible for contacting the City of Marietta, Ohio or the appropriate tax office, completing any forms and paying any taxes that may be imposed.
- (13) Acceptance of Terms and Conditions. By submitting a bid, the bidder agrees they have read, fully understand and accept the Terms and Conditions outlined pursuant to the website www.GovDeals.com and the Terms and Conditions outlined herein, and agree to pay for and remove the property by the dates and times specified.
- (14) Default on the rights and privileges associated with an auction shall include: (1) failure to observe these terms and conditions, (2) failure to make good and timely payment, or (3) failure to remove all assets 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 their obligations, the City of Marietta, Ohio may exercise its rights and may pursue such remedies as are provided by law. The City of Marietta, Ohio reserves the right to reclaim and resell all items not removed by the specified removal date.
- (15) Employees of the City of Marietta, Ohio may bid on the property listed for auction, so long as they do NOT bid while on duty.

Section 4: That the contact information of the GovDeals, Inc. representative is set forth in the current agreement with GovDeals, Inc., and, if it changes, the new contact information shall be available through the Office of the Director of Public Safety and Service – Steven A. Wetz, at 301 Putnam Street, Marietta, Ohio (740) 373-1387.

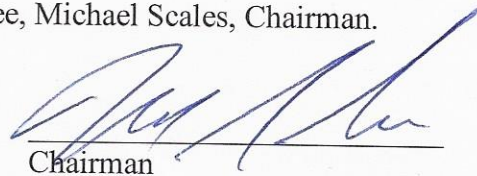
Section 5: That a summary of the information in this Resolution and a Notice of Intent to sell unneeded, obsolete, or unfit municipal personal property by internet auction shall be published as provided in Ohio Revised Code 721.15 (D).

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Section 6: That this Resolution shall be and is hereby declared to be an EMERGENCY measure necessary for the immediate preservation of the public peace, health and safety of the City of Marietta, Ohio, and for the further reason that prompt action is necessary so the City can sell personal property in the calendar year 2024 by internet auction and place the sale proceeds in the proper accounts.

Introduced by the Finance and Taxation Committee, Michael Scales, Chairman.


Chairman

Passed this 1st day of January, 2024.


President of Council

ATTEST:

Michele Newbanks
Clerk of Council
Approved this 1st day of January, 2024.


Mayor

First Reading January 1, 2024

Second Reading Suspended

Third Reading Suspended