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City of Willoughby Hills

DAVID M. FIEBIG
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ORDINANCE NO. 2019-62

AN ORDINANCE TO DECLARE CITY VEHICLE(S) AND/OR EQUIPMENT AS SURPLUS PROPERTY AND GRANTING AUTHORIZATION TO SELL SAID SURPLUS VEHICLE(S) AND EQUIPMENT ON THE OPEN MARKET UPON SUCH TERMS AND AT SUCH PRICES AS ARE DEEMED MOST ADVANTAGEOUS TO THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

WHEREAS, the Section 721.15 of the Ohio Revised Code provides for methods to dispose of surplus personal property not needed for municipal purposes; and

WHEREAS, the City of Willoughby Hills wishes to dispose of certain items deemed no longer needed for municipal purposes in a manner consistent with the Ohio Revised Code; and

WHEREAS, to aid in the process of disposing surplus property on the open market, upon such terms and at such prices as are deemed most advantageous to the City, the City has solicited the online auction services provided by GovDeals.com, contact information for this vendor is 1-800-613-0156.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:

SECTION 1. The following vehicle(s) with an estimated value of $1,000 or more be and are hereby declared to be surplus property of the City and are available for disposition through sale and/or internet auction:

2014 Dodge Charger	**VIN: 2C3CDXAT7EH366645**
Mileage: 94,346	**Estimated Value: $5,500**
2010 Chevrolet Police Impala	**VIN: 2G1WD5EM9A1259432**
Mileage: 90,093	**Estimated Value: $4,900**

SECTION 2. The Public Internet Auction for the aforementioned vehicle(s) shall be held on GovDeals.com for a period of twenty-one (21) days. Notice of this auction will also be advertised in the local Lake County News-Herald, on WHTV channels and on the City Website in accordance with all applicable local, state and federal laws.

SECTION 3. Any transaction pursuant to this Section shall be conducted in accordance with the following procedure:

(a) Prior to the open bidding period, notice of the City's intent to sell property via internet auction shall be published at least once a week for two successive weeks in the local Lake County News-Herald. Said notice shall include a complete description of the vehicles and equipment to be sold; the date, time and location where the auction will be held; the terms and conditions of sale; and any other information necessary to allow interested members of the general public to participate in the online public auction.

(b) Prior to the commencement of the open bidding period, notice of the City's intent to sell property via internet auction shall be posted in a conspicuous place in City Hall.

(c) Prior to the commencement of the open bidding period, notice of the City's intent to sell property via internet auction shall be published on the City's Website at www.willoughbyhills-oh.gov

(d) Each vehicle and piece of equipment will be listed for open public bidding for a minimum of twenty-one (21) days, including weekends, and legal holidays.

(e) Vehicle and equipment will be listed "for sale" for public auction on GovDeals.com. The listing shall describe the vehicles and equipment in detail including but not limited to the following items: the price, make, model, color, general operating condition, condition of the exterior, condition of the interior, the odometer reading, any other feature that would interest the reasonable consumer. A picture of each vehicle or piece of equipment for sale shall accompany every listing.

(f) Minimum bid for each vehicle listed will be set at $1,100.00.

SECTION 4. Terms and Conditions of Sale will be as follows:

1. Eligibility
A bidder must be a minimum of 18 years old and legally able to form binding contracts as a "buyer" in an auction.

Elected Officials of the City of Willoughby Hills are prohibited from directly or indirectly bidding on or paying for items in which they have legislatively declared as surplus property.

2. Conditions of Sale
Sale of all surplus property is, as is and where is, with all faults and without warranty. The description of surplus property offered for sale has been compiled from available data, but there is no guaranty or warranty on the part of the City of Willoughby Hills as to condition or quality. Further, the City 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 successful bidder is not entitled to any payment for loss of profit or any other money damages – special, direct, indirect, or consequential.

The City of Willoughby Hills reserves the right to withdraw any equipment and/or vehicle(s) being offered for sale.

The City of Willoughby Hills will furnish no services of any kind to the successful bidder for any and all costs associated with shipping including but not limited to packaging, crating, loading, freight unless otherwise indicated.

The sale of the equipment and/or vehicle(s) will be to the highest responsive and responsible bidder. There shall be no refunds or adjustments on the successful buyer's price, all sales are final. Each bid is received with the understanding that the acceptance by the City of the offer to purchase any or all of the items described therein shall constitute a contract between the successful bidder and the City of Willoughby Hills and is obligated to pay the price bid. Placing the winning bid, but not paying for the product, is illegal in most states, and may result in prosecution. The winning bid cannot be retracted unless due to a fault of the City.

3. Inspection
The City of Willoughby Hills shall have the equipment and/or vehicle(s) available for inspection by appointment only and prior to the start of the bidding. All bidders must adhere to the inspection dates

and times indicated in the equipment and/or vehicle(s) description and contact only the person(s) listed to schedule an inspection.

4. Bids
Bids submitted shall remain firm for a period of five (5) days following the closing date. The successful bidder(s) will be required to remit payment within five (5) calendar days from date of the Notice of Award.

The award will be made to the highest responsive, responsible bidder. Notice of Award will be provided by GovDeals.com via e-mail to the successful bidder.

Awarded items must be removed from the City's premises within five (5) business days from the time and date of issuance of the Notice of Award.

The Successful bidder is responsible for loading and removal and any and all property awarded to them from the place where the property is located as indicated on the website and in the Notice of Award. The successful bidder will make all arrangements and perform all work necessary, including packing, loading and transportation of the property. Under no circumstances will the City assume responsibility for packing, loading or shipping. The City of Willoughby Hills may be contacted for any and all additional information.

5. Surcharge
A seven percent (7%) surcharge shall be added to all purchases made. The surcharge is the cost to the City of Willoughby Hills for the utilization of the third-party website provider GovDeals.com. The successful bidder shall add and include the surcharge amount when making payment to the City of Willoughby Hills.

6. Taxes
Any and all taxes, federal, state and local, due on the sale of the equipment and/or vehicle(s) shall be paid by the successful bidder.

7. Payment
Payment in full is due no later than five (5) days from the time and date of the Notice of Award. Payment shall be in the form of: Cash, Certified Check, Cashier's Check or Money Order made payable to the City of Willoughby Hills. Remit payment along with the email Notice of Award to:

The Director of Finance of The City of Willoughby Hills, 35405 Chardon Road, Willoughby Hills, Ohio, 44094.

The City will issue a title or certificate for a vehicle only upon receipt of full payment. Titles may be subject to any restrictions as indicated in the item description on the website. Open titles cannot be issued. The City of Willoughby Hills will not issue replacement titles.

8. Default
If the successful bidder fails to pay for the property within five (5) days from the Notice of Award, the surplus property purchased may be promptly re-sold in such manner as the City may elect and the defaulting bidder will be charged with any loss or additional cost incurred by the City.

9. Liability
The successful bidder shall assume all liability for the property after the Award is made. The City of Willoughby Hills will exercise its normal care for protection up to the time for removal, but will not

be responsible for any loss or damage whatsoever. No property may be removed by or released to the successful bidder prior to the City receiving full payment for said property.

10. Acceptance of Terms and Conditions
By submitting a bid, the successful bidder (buyer) agrees that they have read, fully understand and accept the Terms and Conditions of Online Sales, and agree to pay for and agree to remove the property per the terms and conditions stipulated herein.

11. Applicable Law; Venue
Any contract resulting from this solicitation shall be governed in all respects by the laws of the State of Ohio and any litigation with respect thereto shall be brought only in the Lake County Common Pleas Court located in Painesville, Ohio.

SECTION 5. The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

SECTION 6. This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, safety and welfare of the inhabitants of the City of Willoughby Hills, insofar as it provides for the usual operation of a municipal department; to wit: to immediately expedite the sale of vehicles and or equipment declared as surplus property by City Ordinance; wherefore this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: July 25, 2019

Nancy E. Fellows
Nancy E. Fellows
President of Council

Submitted to the Mayor for his approval
on this 25 day of July, 2019

Approved by the Mayor
July 25, 2019

ATTEST:

Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council

Robert M Weger
Robert M. Weger
Mayor