

## **RESOLUTION: M-17-19**

RESOLVED, that the Brookfield Township Board of Trustees hereby expresses its intent to dispose of unneeded, obsolete, or unfit personal property by Internet auction during calendar year 2017; and be it further;

RESOLVED, that the personal property disposed of through Internet auction may include, as specified in ORC 505.10 (D), motor vehicles, road machinery, equipment, and tools, that the board, by resolution, finds is not needed for public use, is obsolete, or is unfit for the use for which it was acquired; and be it further;

RESOLVED, that the internet auction will be conducted in the following manner under the following general terms and conditions:

**All bidders and other participants of this auction agree that they have read and fully understand these terms and agree to be bound thereby.**

**Guaranty Waiver.** All property is offered for sale “AS IS, WHERE IS.” Board of Trustees of Brookfield Township, Ohio (Seller) 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.

**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 removal of the property. If Seller confirms that the property does not conform to the description, Seller will keep the property and refund any money paid. The liability of the Board of Township Trustees of Brookfield Township shall not exceed the actual purchase price of the property. Please note that upon removal of the property, all sales are final.

**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 Seller and GovDeals, Inc. from liability therefore.

**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.

**Consideration of Bid.** Board of Trustees of Brookfield Township, Ohio reserves the right to reject any and all bids and to withdraw from sale any of the items listed.

**Buyers Certificate.** Successful bidders will receive a Buyer’s Certificate by email from GovDeals, Inc.

**Payment.** Payment in full is due not later than five (5) business days from the time and date of the Buyer's Certificate. Acceptable forms of payment shall be as described and in accordance with the terms set by GovDeals.

Bidder forfeits sale of merchandise if payment is not received at the close of (5) business days.

**Removal.** All items must be removed within ten (10) business days from the time and date of issuance of the Buyer's Certificate. 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 and in the Buyer's Certificate. The buyer will make arrangements and perform all the work necessary, including packing, loading and transportation of the property. Under no circumstances will the Board of Trustees of Brookfield Township assume responsibility for packing, loading or shipping. Property may be removed between the hours of 8:00 a.m. and 3:30 p.m., Monday through Friday, excluding legal holidays.

**Vehicle Titles.** Seller will issue a title or certificate upon receipt of payment. Titles may be subject to any restrictions as indicated in the item description on the GovDeals, Inc. website. Open titles cannot be issued. The Board of Trustees of Brookfield Township, Ohio will not issue replacement titles. Buyers must transfer the Certificate of Title into the name before receiving possession of the purchased vehicle. Transfer of title can be accomplished at the Trumbull County Clerk of Courts Office, Auto Title Division. All sales tax and other related fees must be paid at the time the title is transferred.

**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 performance of their 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 thirty (30) days from the expiration or specified removal date.

**Acceptance of Terms and Conditions.** By submitting a bid, the bidder agrees that they have read, fully understand and accept these Terms and Conditions of Online Sales, and agree to pay for the removal of the property, if the bid is accepted, by the dates and times specified.

**State/Local Sales and/or Use Tax.** Buyers may be subject to payment of State and/or local sales and/or use tax. The Board of Trustees of Brookfield Township, Ohio is not responsible for collection of taxes. Buyers are responsible for contacting the appropriate tax office, completing any forms, and paying any taxes that may be imposed.

**Sales to Employees.** Employees of the Board of Trustees of Brookfield Township, Ohio may bid on the property of the Board of Trustees of Brookfield Township, Ohio, provided that they do not bid while on duty. Any officer of employee participating in the determination of certain property as surplus shall not submit a bid for its purchase, and be it further;

RESOLVED, that the number of days of bidding on the property involved, as specified in ORC 505.10 will be at least 10 days including Saturdays, Sundays and legal holidays; and be it further;

RESOLVED, that the Brookfield Township Board of Trustees will:

- 1) Contract with the representatives listed here to conduct the internet auction on Brookfield Township's behalf: GovDeals, Inc. 5913 Carmichael Place, Montgomery, AL 36117; Telephone: (334)277-0372, Fax: (334)277-0557, Website: www.GovDeals.com; and be it further;

RESOLVED, that the Brookfield Township Board of Trustees will publish in The Herald, a newspaper of general circulation, a summary of the information contained in this resolution and that this summary will be published at least two weeks before the internet auction begins; and be it further;

RESOLVED, that a notice similar to the one published in the newspaper will be posted continually throughout the calendar year 2017 in a conspicuous place in the offices of the Brookfield Township Trustees and on the Brookfield Township website; and be it further;

RESOLVED, that the Brookfield Township Board of Trustees reserves the right, at a later date, 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; and be it

FINALLY RESOLVED, that the information described in the paragraph 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 terms and conditions have been determined by the Board of Trustees or its representative.

Upon roll call on the adoption of the resolution, the vote resulted as follows:

Motion by Trustee \_\_\_\_\_ Second by Trustee \_\_\_\_\_

Roll Call: Trustee Haun: Yea / Nay \_\_\_\_\_

Trustee Lees: Yea / Nay \_\_\_\_\_

Trustee Magestro: Yea / Nay \_\_\_\_\_