

COLERAIN TOWNSHIP BOARD OF TRUSTEES

DECLARING INTENT TO CONDUCT AN INTERNET AUCTION FOR THE SALE  
OF UNNEEDED, OBSOLETE OR UNFIT TOWNSHIP PERSONAL PROPERTY  
EFFECTIVE UNTIL DECEMBER 31, 2008

RESOLUTION NO. 09-08

WHEREAS, ORC Section 505.10 (D) authorizes a Board of Township Trustees to dispose of unneeded, obsolete or unfit personal property through the use of an Internet Auction; and

WHEREAS, that statute requires a Board of Township Trustees 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 Board of Trustees of Colerain Township, Hamilton County, Ohio:

1. The Board does hereby express its intent to dispose of unneeded, obsolete or unfit personal property by Internet Auction during calendar year 2008.
2. The personal property disposed of through Internet Auction may include, as specified in O.R. C. Section 505.10 (D), motor vehicles, road machinery, equipment, tools or supplies, any of which is either unneeded, obsolete, or unfit for the use for which it was acquired.
3. The Internet Auction will be conducted 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.
4. The Board has an agreement with Hamilton County to conduct the Internet Auction on Colerain Township's behalf, as previously authorized by the Board on March 28, 2006. The contact person is: Shelly Walls, Hamilton County Surplus Asset Program Manager, 138 E Court Street Room 507, Cincinnati, Ohio 45202, (513) 946-4345.
5. The Board will publish notice of its intent to sell unneeded, obsolete, or unfit-for-use township personal property by internet auction. The notice shall include a summary of the information provided in this Resolution, and shall be published at least twice. The second and any subsequent notice shall be published not less than ten nor more than twenty days after the previous notice. A similar notice shall be posted in a conspicuous place in the Township offices and on the Township's website on the internet continually throughout the calendar year.
6. BE IT FURTHER RESOLVED, that the Assistant Township Administrator is hereby appointed as the Board's representative for purposes of administering the

Internet Auction Program and is hereby given the authority needed to effectuate the same.

BE IT FURTHER RESOLVED, that the Assistant Township Administrator is hereby directed to prepare and submit to the Board, as the Board may request, a report which details the sale of unneeded, obsolete or unfit personal property by Internet auction as well as any other information which this Board may request from time to time.

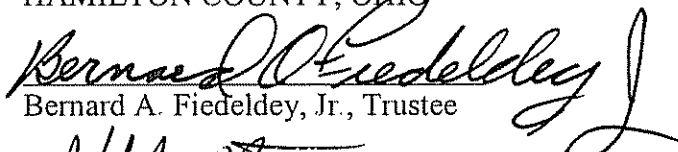
BE IT FURTHER RESOLVED that the Fiscal Officer be, and she hereby is, authorized and directed to certify copies of this resolution to Shelly Walls, Hamilton County Surplus Asset Program Manager, 138 E Court Street Room 507, Cincinnati, Ohio 45202.

ADOPTED at a regular meeting of the Board of Trustees of Colerain Township, Hamilton County, Ohio, this 22<sup>nd</sup> day of January, 2008.

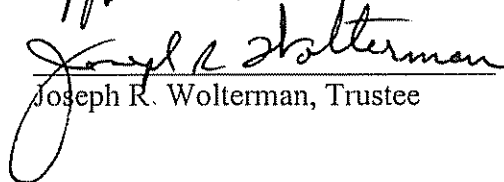
BOARD OF TRUSTEES  
COLERAIN TOWNSHIP,  
HAMILTON COUNTY, OHIO

Attest:

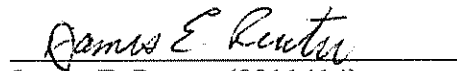
  
Heather Harlow, Township Fiscal Officer

  
Bernard A. Fiedeldey, Jr., Trustee

  
Jeffrey F. Ritter, Trustee

  
Joseph R. Wolterman, Trustee

Prepared by and Approved as to form:

  
James E. Reuter (0011414)  
3025 W. Galbraith Road  
Cincinnati, Ohio 45239-4222  
(513) 521 - 8400  
Attorney for Board of Trustees

CERTIFICATE OF FISCAL OFFICER

IT IS HEREBY CERTIFIED that the foregoing is a true copy of a resolution adopted by the Board of Trustees of Colerain Township, Hamilton County, Ohio, on the 27<sup>th</sup> day of January, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand on this 27<sup>th</sup> day of January, 2008.

  
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Heather Harlow, Fiscal Officer

## EXHIBIT A

### General Terms and Conditions for the Sale of Unneeded, Obsolete or Unfit Township 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 Colerain Township Board of Trustees (the "Board") 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 Colerain Township, 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 O.R. C. Sec. 505.10 (D), will be at least 15 days, including Saturdays, Sundays and legal holidays.
5. The Board 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 herein will be provided on the Internet at the time of the auction itself, or will be provided before that time, upon request, after the Board or its representative has determined the terms and conditions of any particular sale.
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 BOARD 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 COLERAIN TOWNSHIP, HAMILTON COUNTY, OHIO, ITS BOARD OF TRUSTEES, ITS 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.**