

RESOLUTION NO. 2013 - 35

A RESOLUTION AUTHORIZING A SALE OF SURPLUS PROPERTY BY INTERNET AUCTION

WHEREAS, Sycamore Township has personal property that the Board of Township Trustees has determined is no longer needed for public use and constitutes surplus property, such property being set forth on the attached Exhibit A (the "Surplus Property")

WHEREAS, the Board intends to sell the Surplus Property by internet auction; and

WHEREAS, the Board has previously contracted with Hamilton County to use the Hamilton County web site whenever it intends to sell property by internet auction; and

NOW THEREFORE, BE IT RESOLVED, by the Board of Township Trustees of Sycamore Township, State of Ohio:

SECTION 1. The Surplus Property attached hereto as Exhibit A is hereby declared to be surplus property of Sycamore Township and the Board hereby determines that it is obsolete and not needed for public use.

SECTION 2. It is the intent of the Board of Township Trustees that the Surplus Property be sold by internet auction through the use of the Hamilton County, Ohio internet auction web site which has a web site address of www.HamiltonCountyOhioAuction.com. The contact information for Hamilton County is as follows: Hamilton County Purchasing Department, 138 East Court Street, Room 507, Cincinnati, Ohio 45202; telephone (513) 946-4354.

SECTION 3. The internet auction shall be conducted in such a manner that the highest bid for the Surplus Property shall prevail. The internet auction shall further be in accordance with the "General Terms and Conditions for the Sale" set forth on the attached Exhibit B. The Surplus Property shall be offered for sale for twenty-one (21) days, including Saturdays, Sundays, and legal holidays.

SECTION 4. After adoption of this Resolution, Township staff shall publish, in a newspaper of general circulation in Sycamore Township, notice of this intent to sell the Surplus Property by internet auction. The notice shall include a summary of the information provided in this Resolution and shall be published at least twice. A similar notice shall also be posted continually throughout the calendar year in a conspicuous place in the offices of the Board. Staff is also authorized to cause notice of the internet auction of the Surplus Property to be inserted in trade papers or other publications, including posting the notice on the Sycamore Township web site. If the notice is posted on the Sycamore Township web site, the

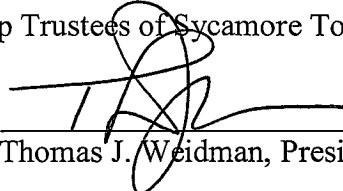
second notice required to be published in the newspaper shall be eliminated, provided the first notice meets the following requirements:

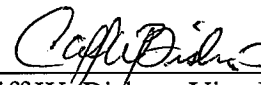
1. It is published at least two weeks before the internet auction begins;
2. It includes a statement that the notice is posted on the Board's internet web site;
3. It includes the internet address of the Board's internet web site; and
4. It includes instructions describing how the notice may be accessed on the Board's internet web site.

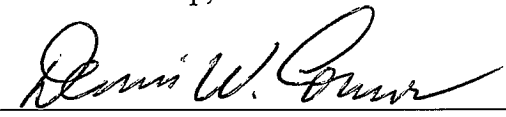
VOTE RECORD:

Mr. Bishop Aye Mr. Connor Aye Mr. Weidman Aye

Passed at a meeting of the Board of Township Trustees of Sycamore Township this 4th day of April, 2013.

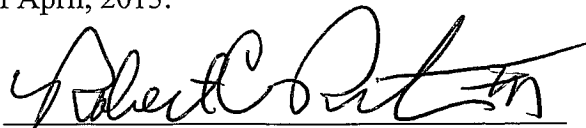

Thomas J. Weidman, President


Cliff W. Bishop, Vice President


Dennis W. Connor, Trustee

AUTHENTICATION

This is to certify that this resolution was duly passed and filed with the Township Fiscal Officer of Sycamore Township this 4th day of April, 2013.


Robert C. Porter III, Fiscal Officer
Sycamore Township, Ohio

APPROVED AS TO FORM:



R. Douglas Miller, Law Director

EXHIBIT A

Item	Serial Number
Samsung FAX Machine SF-560	489705
Dell Power Edge Server 2950	4RWJK41
Dell Power Edge Server 1750	DRWNY41
Dell Power Edge Server 1750	HRWNY41
Dell Power Edge Server 4400	BJNV10B
Dell Powervault 114T	0600003800
Dell Server Monitor / KVM Switch	71PXP / UNC11201 / 4V132
Merlin Magix Phone System	33423DR5674
Dell Power Edge Server 2850	7MZ3281
Analog Switcher	IN3510
Data Transfer Switch	34674565
Tvator Exec.	2935
2004 Emergency Response Guidebooks	(17)
Microphone Stand	BURF
VHS VCR Tapes (80)	N/A
Panasonic Omni Movie VHS	24
JVC Editing Control Unit RM	6800U
Panasonic Keyboard	000994
Panasonic Digital AV Miser	000993
JVC Stereo Cassette Deck	14633724
JVC TV	000995
JVC Video Cassette Recorder	000990
JVC Video Cassette Player	000989
Tascam 133 Mega Series Tape Player	000951
Panasonic Camcorder	D83HJ002458

EXHIBIT B

General Terms and Conditions for the Sale of Unneeded, Obsolete or Unfit County Personal Property (the "Property") by Internet Auction

1. All auctions shall be conducted on a continuous basis through the Hamilton County, Ohio web site 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 Board of County Commissioners, Hamilton County, Ohio (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 Hamilton County, Ohio 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. 307.12*, 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 in Paragraph 4 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 Board or its representative has determined the terms and conditions.

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 HAMILTON COUNTY, OHIO, ITS BOARD OF COUNTY COMMISSIONERS, 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.**