

**CITY OF MIDDLEBURG HEIGHTS**

**RESOLUTION NO. 2025 - 5**

**Introduced by: Mr. Bortolotto, Mr. Meany, and Mr. Ference**

**A RESOLUTION**

**AUTHORIZING THE SALE BY INTERNET AUCTION DURING CALENDAR YEAR 2025 OF MUNICIPALLY OWNED PERSONAL PROPERTY WHICH IS NOT NEEDED FOR PUBLIC USE, OR WHICH IS OBSOLETE OR UNFIT FOR THE USE FOR WHICH IT WAS ACQUIRED, PURSUANT TO OHIO REVISED CODE SECTION 721.15(D)**

WHEREAS, Ohio Revised Code Section 721.15(D) authorizes legislative authority of a municipal corporation to sell personal property, including motor vehicles acquired for the use of municipal officers and departments, and road machinery, equipment, tools, or supplies, which is not needed for public use, or is obsolete or unfit for the use for which it was acquired, by Internet auction; and

WHEREAS, Ohio Revised Code Section 721.15(A) allows for personal property not needed for municipal purposes, the estimate value of which is less than one thousand dollars, to be sold by the board or officer having supervision or management of that property.

WHEREAS, An annual resolution adopted by City Council is required to permit the City to utilize the internet auction provision of ORC Section 721.15.

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MIDDLEBURG HEIGHTS, CUYAHOGA COUNTY, STATE OF OHIO**

Section 1. That the Mayor and Finance Director be authorized to place for auction and to sell to the highest bidder such unneeded, obsolete or unfit personal property by Internet auction.

Section 2. That the Finance Director shall cause notice of adoption of this resolution to be published, in a newspaper of general circulation in the City, of the City's intent to sell unneeded, obsolete or unfit 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.

Section 3. That the Finance Director shall cause a notice to be posted continually throughout the calendar year in a conspicuous place in the office of the Director of Finance and shall cause said notice to be posted continuously throughout the year on the City website.

Section 4. That the City shall conduct the internet auction via GovDeals (or other similar bidding site as long as notice is given) using the parameters provided by the auction site. Minimum price or reserve may be set, but is not required by law.

Section 5. That bidding shall continue for no less than 10 days, including Saturday, Sunday and legal holidays, and shall be set for each item as noted on the internet auction site.

Section 6. That all terms and conditions of sale, including but not limited to pick-up and delivery, method of payment, sales tax, complete descriptions and/or pictures of the items, shall be specified for each item on the internet auction site.

Section 7. That the highest bidder upon close of the open bidding period will be deemed to be the successful bidder of the internet auction. Upon closing of the auction, the City shall remit an invoice to the successful bidder for the amount of the bid. The successful bidder shall remit the entire payment within ten (10) days of receipt of the invoice. Acceptable forms of payment include cashier's check, certified check, or money order. Other payment arrangements may be made by the City where circumstances warrant. Payment options such as on-line payment systems and PayPal or similar services are acceptable payment options. Notwithstanding the foregoing, all payment options are subject to the approval of the City Finance Director.

Section 8. That all items shall be sold without warranty in "AS IS" condition. All advertisements, listings, and notices shall be subject to the following language:

"The City of Middleburg Heights, its officers, employees and agents offer this item for sale "AS IS" without any warranty or condition, express, implied or statutory. The City of Middleburg Heights, its officers, employees and agents, specifically disclaim any implied warranties of title, merchantability, fitness for a particular purpose and non-infringement."

Section 9. That the Director having supervision or management of the asset is hereby authorized to dispose of any property that is listed for auction and does not sell as a result of not receiving bids.

Section 10. That it is hereby found and determined that all formal actions of this council concerning and relating to the passage of this resolution were adopted in an open meeting of this council, and that all deliberations of this council and any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Chapter 107 of the Codified Ordinances and Section 121.22 of the Ohio Revised Code.

PASSED 2/11/25

David Bortolotto  
PRESIDENT OF COUNCIL

ATTEST:  
M. Meola  
CLERK OF COUNCIL

PRESENTED TO MAYOR 2/12/25

APPROVED ON: 2-12-25

|            | YEAS   | NAYS  |
|------------|--------|-------|
| BORTOLOTTO | X      | _____ |
| ALI        | ABSENT | _____ |
| SAGE       | X      | _____ |
| MEANY      | X      | _____ |
| MCGREGOR   | X      | _____ |
| PERENCE    | ABSENT | _____ |
| ZAKEL      | X      | _____ |

Matthew Gustafson  
MAYOR

**CERTIFICATE**

I, Mary Ann Meola, Clerk of Council of the City of Middleburg Heights, Ohio, hereby certify that the foregoing is a true and accurate copy of Res. 2025-5 passed on the 11<sup>th</sup> day of February 2025 by said Council

Mary Ann Meola  
Clerk of Council

the Council of the City of Middleburg Hts., Ohio, hereby certify that Res. 2025-5 adopted by the Council of the City of Middleburg Hts., on 2/11/25 was posted for a period of fifteen days, beginning 2/11/25 and remained so posted for fifteen days at the two posting places as designated by Charter.

Mary Ann Meola  
Clerk