

RESOLUTION NO.21-10

**RESOLUTION AUTHORIZING THE SALE OF CITY TRACTOR WITH LOADER
NOT NEEDED FOR PUBLIC USE BY PUBLIC AUCTION**

WHEREAS, the City of Early (hereinafter referred to as the “City”) is the Owner of the a Case 580B Construction tractor and loader; and,

WHEREAS, said property is not needed for public use; and,

WHEREAS, the City is authorized to sell any such equipment to the highest bidder online or at an otherwise public auction after a resolution providing notice of such sale to the city taxpayers; and,

WHEREAS, it is in the best interest of the City that the property be sold for funds to upgrade and modernize the city’s equipment;

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Early that:

1. The city’s Case 580B construction tractor with loader is hereby offered for public sale by online auction to the highest bidder, subject to the conditions hereinafter.
2. The sale shall be conducted by the Mayor and the City Clerk or by persons designated by the Mayor and City Council.
3. The property herein described, or any part thereof, is sold “as is” and without any representation or warranty, either expressed or implied, as to their present condition.
4. The purchase price for such equipment shall be paid by any of the following methods:
 - (a) By payment to the City in cash, money order, bank check or certified check the full purchase price immediately after the conclusion of the sale;
5. The Mayor and the City Clerk are hereby authorized to execute and deliver a bill of sale or other documents required to transfer title upon receipt of the payment of the highest bid, less sale expenses, commission and fees
6. Upon the date of delivery of the bill of sale to the purchaser, risk of loss or damages to the property by fire, storm, burglary, vandalism or other casualty shall be assumed by the purchaser, who shall be completely responsible therefore without any claim against the City. Further, from the date of the bill of sale the purchaser shall release the City from and shall covenant and agree that the City shall not be liable for and will indemnify and hold the City harmless against any loss or damage to

property or injury or death caused by the property to be conveyed or, arising from any neglect of the City or any repairs or modifications performed on the property prior to the date of delivery of the bill of sale.

7. If purchaser fails to pay the purchase price when due or within a time as extended or fails to comply with any term of this contract, the City may at its option rescind the contract or sue purchaser for any damages accruing or both. The City's failure to exercise any right or power arising out of purchaser's breach of this contract, shall not be deemed a waiver.

8. **PLEASE TAKE NOTICE** that no employee, agent, officer body or subordinate body has any authority to waive, modify or amend any of the conditions of sale without the express approval of the governing body of the City.

9. Additional Conditions of Sale.

(a) No sale shall be made to any person nor shall said person be permitted to bid who, prior to such sale, owns other property in the City and who has a nuisance property or is in current breach or violation of the ordinances governing property within the City.

(b) No person shall be permitted to bid for any property to be sold by the City if that person is delinquent in the payment of taxes or other municipal charges on any other property which such person shall own in the City.

(c) No sale shall be made to any person who owns other property in the City regarding which properties there exists violations of the City Code. which violations have not been corrected at the time of the sale.

Passed and approved April 6th, 2021.

Sharon Ann Irwin
Sharon Irwin, Mayor

Attest:

L. Bainbridge
Lexi Bainbridge, City Clerk

1st Steven Mason
2nd Brian Pickhinke

Council Members Present: Summer Schmitt, Tim Langner, Steven Mason, Brian Pickhinke

Council Members Absent: Bill Cougill

Ayes: Schmitt, Langner, Mason, Pickhinke

Nays: _____