

# RESOLUTION

IN THE MATTER OF RESOLUTION (R-~~258~~-18)

**RE: RESOLUTION OF INTENT TO CONDUCT AN INTERNET AUCTION  
FOR THE SALE OF UNNEEDED, OBSOLETE OR UNFIT COUNTY PROPERTY IN  
CALENDAR YEAR 2018**

**WHEREAS**, House Bill 226 of the 124th General Assembly, which became effective on January 26th, 2002, authorizes a board of county commissioners to dispose of unneeded, obsolete or unfit personal property through the use of an Internet auction; and

**WHEREAS**, section 307.12 (C) of the Ohio Revised (ORC), as amended by House Bill 226, requires a board of county commissioners to adopt, during each calendar year, a resolution expressing its intent to sell personal property by Internet auction; therefore be it

**RESOLVED**, that the Darke County Board of Commissioners, hereby expresses its intent to dispose of unneeded, obsolete or unfit personal property by Internet auction during calendar year 2018; and be it further;

**RESOLVED**, that the personal property disposed of through Internet auction may include, as specified in ORC 307.12 (C), motor vehicles acquired for the use of county officers and departments, road machinery, equipment, tools or supplies, any of which is either unneeded, obsolete, or 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.**

**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 County Commissioners of Darke County, Ohio** 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. Please contact **Rodney O'Connor**, (937) 547-7302 office – (937) 547-2907 fax or e-mail: [roconnor@co.darke.oh.us](mailto:roconnor@co.darke.oh.us) to schedule an inspection.

**Consideration of Bid.** Board of County Commissioners of Darke County, Ohio reserves the right to reject any and all bids and to withdraw from sale any of the items listed.

**Buyer's 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 are:

- Cashier's Check
- Certified Check
- Money Order
- Traveler's Checks
- Company Check (with Bank letter guaranteeing payment—**mandatory**)
- U.S. Currency

Checks shall be made payable to: **Treasurer of Darke County, Ohio.** Payments shall be made at the location listed in the Buyer's Certificate. Bidder forfeits sale of merchandise if payment is not received at the close of five (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 all arrangements and perform all work necessary, including packing, loading and transportation of the property. Under no circumstances will the **Board of County Commissioners of Darke County, Ohio** assume responsibility for packing, loading or shipping. Property may be removed between the hours of **8:30 a.m. and 3:30 p.m., Monday through Friday**, excluding legal holidays. For additional information, please contact **Rodney O'Connor, (937) 547-7302 office – (937) 547-2907 fax or e-mail: roconnor@co.darke.oh.us.**

**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 County Commissioners of Darke County, Ohio** will not issue replacement titles. *Buyer must transfer the Certificate of Title into their name before receiving possession of the purchased vehicle. Transfer of title can be accomplished at the Darke 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 the 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 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 County Commissioners of Darke County, 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 County Commissioners of Darke County, Ohio** may bid on the property of the **Board of County Commissioners of Darke County, Ohio**, provided that they do not bid while on duty. Any officer or 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 307.12, will be at least 15 days, including Saturdays, Sundays, and legal holidays; and be it further;

**RESOLVED**, that the Darke County Board of Commissioners will:

- 1) Contract with the representative listed here to conduct the Internet auction on Darke County's behalf: **GovDeals, Inc.**, 5913 Carmichael Place, Montgomery, AL 36117; Telephone: (334)277-0372, Fax: (334)277-0557, Website: [wwwGovDeals.com](http://www.GovDeals.com); and be it further;

**RESOLVED**, that the Darke County Board of Commissioners will publish in the The Early Bird a newspaper of general circulation, a summary of the information contained in this resolution and that this summary will be published in that newspaper on the following dates:

**September 9, 2018** and **September 23, 2018** the second date being at least 10 days after but not more than 20 days after the first publication of the notice; and be it further;

**RESOLVED**, that a notice similar to the one published in the newspaper will be posted continually throughout calendar year 2018 in a conspicuous place in the offices of the County Auditor and the offices of the Board of County Commissioners and on the Darke County Internet website ([mydarkecounty.com](http://mydarkecounty.com)); and be it further;

**RESOLVED**, that the Darke County Board of Commissioners 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 further;

**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 county commissioners or its representative; and be it

**FINALLY RESOLVED**, that copies of this resolution be sent to the offices of the Darke County Auditor and the County Commissioners Association of Ohio (CCAO).

Mr. Stegall moved the passage of the above resolution; seconded by Mr. Aultman

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

Michael W. Rhoades YEA  
Matthew W. Aultman YEA  
Michael E. Stegall YEA

Robin Blinn  
Robin Blinn, Administrative Clerk/Secretary

Michael W. Rhoades  
Michael W. Rhoades, Chairman  
Matthew W. Aultman  
Matthew W. Aultman, Vice Chairman  
Michael E. Stegall  
Michael E. Stegall

Date: 8/29/18  
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