

RESOLUTION NO. 2026-21

A RESOLUTION EXPRESSING AN INTENT TO SELL UNNEEDED, OBSOLETE, OR UNFIT PROPERTY BY INTERNET AUCTION, ESTABLISHING A PROCEDURE FOR CONDUCTING THE SALE, AND DECLARING AN EMERGENCY.

WHEREAS, the City has and will have in the future, personal property acquired for the use by City municipal officers and its departments, including motor vehicles, road machinery, equipment, tools, or supplies which are not needed for public use, or are obsolete, or unfit for the use for which it was acquired; and

WHEREAS, Ohio Revised Code 721.15 sets forth the authority and procedures to sell at internet auction;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILLOUGHBY, THE COUNTY OF LAKE, AND THE STATE OF OHIO:

SECTION 1. That the Council of the City of Willoughby agrees that it intends to sell motor vehicles, road machinery, equipment, tools, or supplies which are not needed for public use, or are obsolete, or unfit for the use for which it was acquired.

SECTION 2. That the sale by internet auction shall be conducted according to the following procedure.

- 1) The Mayor of the City shall determine the internet website on which the sale shall be conducted.
- 2) The City shall conduct the auction via an internet auction website.
- 3) The City shall publish in a newspaper of general circulation a Notice of the City's intent to sell unneeded, obsolete, or unfit municipal personal property by internet auction.
- 4) The second Notice shall be published not less than ten (10), nor more than twenty (20), days after the publication of the first notice.
- 5) The Notice shall also be posted continually throughout the calendar year at City Hall and on the City website at www.willoughbyohio.com.
- 6) The items to be auctioned will be posted on the City website, social media pages, and at City Hall ten (10) days prior to the start of the auction,
- 7) Items posted for auction can be visually inspected, where the item is located, at scheduled times.
- 8) A minimum bid may be set for any item.

- 9) A complete description of each item will be provided on the auction listing.
- 10) Bidders will have ten (10) to fourteen (14) days (including weekends and holidays) from the date the Notice of sale is posted on the internet website to submit a bid.
- 11) The property will be sold to the highest bidder, where bid meets or exceeds the stated minimum bid. The successful bidder will be notified that its bid is accepted within ten (10) to fifteen (15) minutes of the close of the auction period.
- 12) The successful bidder shall make payment to the internet auction site in full within five (5) business days. Pick up can then be scheduled with the Buyer. Once an item is picked up by Buyer, payment will be transferred via direct deposit to the City.
- 13) Terms and conditions are determined by the internet auction site.
- 14) Risk of loss will be transferred to the successful bidder upon the tendering of the item to the successful bidder or its employees or agents.
- 15) All items are sold without warranty in "AS IS" condition. All advertisements, listings, and notices shall contain the following language:

THE CITY OF WILLOUGHBY, ITS OFFICERS, EMPLOYEES, AND AGENTS OFFER THIS _____ FOR SALE "AS IS" WITHOUT ANY WARRANTY OR CONDITION, EXPRESS, IMPLIED, OR STATUTORY. THE CITY OF WILLOUGHBY, ITS OFFICERS, EMPLOYEES, AND AGENTS, SPECIFICALLY DISCLAIM ANY IMPLIED WARRANTIES OF TITLE, MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, AND NON-INFRINGEMENT.

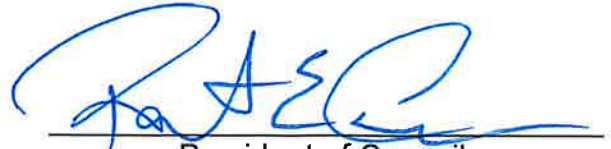
- 16) The winning bidder will be responsible for removing the item from City property within ten (10) days of the notification of the acceptance of the bid.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such action were conducted in meetings open to the public in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby.

SECTION 4. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the inhabitants of the community; and for the further reason to provide for an auction before winter weather; and provided that it receives the affirmative vote of two-thirds of the members elected to Council, it shall be in full force and take effect immediately upon its adoption by Council and approval by the Mayor; otherwise, it shall be in full force and take effect from and after the earliest period allowed by law.

Adopted:

March 17, 2026


President of Council

Attest:


Clerk of Council

Date:

03.16.26

Approved:


Mayor

Submitted to the Mayor for his approval on this 18th day of _____, 2026.


Clerk of Council