

Resolution of the City of Franklin Board of Public Works

Resolution No.: 2019-05

**RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE CITY OF FRANKLIN,
INDIANA AND TOWN OF TRAFALGAR, INDIANA**

This agreement between the City of Franklin, Indiana, by and through its Board of Public Works and Safety (“Franklin”) and the Town of Trafalgar, by and through its Town Council (“Trafalgar”) is binding and effective upon execution by both parties.

WHEREAS, the City of Franklin, by and through its Board of Public Works and Safety, is a government organization providing services to the citizens of Franklin, Indiana and is a disposing agent as that term is contemplated in I.C. 36-1-11-2; and

WHEREAS, the City of Franklin by and through its Board of Public Works and Safety, has authority to own, possess and control certain items of personal property which is more specifically identified as follows:

2007 Vac-Con Sewer Combination Truck – Chassis Vin # - 2FZHATDC27AY09619
Vac-Con Body Model – V312LHA – Serial # - 08074697

WHEREAS, the City of Franklin has authority by law to dispose and transfer said item of personal property per I.C. 5-22-22-10; and

WHEREAS, the City of Franklin is desires to transfer, by sale, said equipment in an “as is” condition to the Town of Trafalgar; and

WHEREAS, the Town of Trafalgar, by and through its Town Council, has authority by law to own, possess and purchase certain items of personal property per I.C. 5-22-2-25; and

WHEREAS, the Town of Trafalgar desires to purchase and own the above referenced item of personal property which is being offered for sale by the City of Franklin for use in providing services to its respective citizens; and

WHEREAS, I.C. 36-1-11-8 allows for the transfer or exchange of personal property between governmental entities upon terms and conditions agreed upon by the entities; and

WHEREAS, the City of Franklin has agreed to transfer and exchange this personal property to the Town of Trafalgar in exchange for payment by the Town of Trafalgar of the sum of fifty thousand dollars (\$50,000.00); and

WHEREAS, Trafalgar desires to enter into agreement with Franklin to receive the item of personal property as described above for its exclusive use and control upon the adoption and

acceptance of a substantially identical resolution and payment of the sum of fifty thousand dollars (\$50,000.00) to the City of Franklin; and

WHEREAS, the Town of Trafalgar does agree to pay said sum of fifty thousand dollars (\$50,000.00) on or before May 31st, 2019 at which time delivery of said vehicle shall be made to Trafalgar; and

WHEREAS, Franklin is transferring and disposing of this personal property in an "as is" condition and is making no warranties as to the condition of the above identified equipment including warranties of fitness or merchantability; and

WHEREAS, the Town of Trafalgar will receive and accept said item of personal property being offered by the City of Franklin, as described above, in said "as is" condition to be its sole and exclusive property upon adoption and acceptance of a substantially identical resolution by the Town of Trafalgar; and

BE IT THEREFORE RESOLVED that City of Franklin does hereby adopt the above aforementioned as findings of fact;

IT IS FURTHER RESOLVED that City of Franklin does hereby enter into agreement with the Town of Trafalgar to transfer and deliver the item of personal property as described above to the Town of Trafalgar for its exclusive use and control upon receiving payment of \$50,000.00.

INTRODUCED & APPROVED by the Board of Public Works and Safety, for the City of Franklin this 20 day of May, 2019.

City of Franklin, Indiana, By its Board of Public Works and Safety:

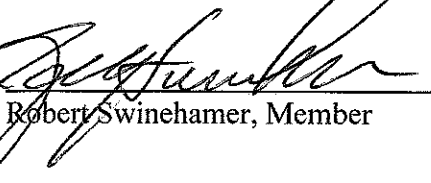
Voting Affirmative:



Mayor Steve Barnett

Absent

Melissa Jones, Member



Robert Swinehamer, Member


Voting Opposed:

Mayor Steve Barnett

Melissa Jones, Member

Robert Swinehamer, Member

Attest:


Jayne Rhoades, Clerk Treasurer

Prepared by: Lynnette Gray
Attorney No.: 11567-41