

ORDINANCE NO. 90-4

AN ORDINANCE AUTHORIZING THE DISPOSAL OF SURPLUS PERSONAL
PROPERTY AND APPOINTMENT OF DISPOSING AGENT

WHEREAS, the city of Lebanon currently owns and maintains a CAT 955 Track Type Loader at the former city of Lebanon sanitary landfill located north of the city on old U. S. 52 North, and

WHEREAS, the city of Lebanon officially closed the sanitary landfill on or about the 1st of September, 1984, for the reason that the capacity of said depository had reached a maximum and the City also elected to procure the services of a private contractor for the disposal of municipal trash and garbage at the same time, and

WHEREAS, a part of the equipment used to operate the former sanitary landfill, specifically the CAT 955 Track Type Loader, is no longer needed and no longer proper for the purpose for which it was intended in that the landfill site has been formally closed and all closure activities required by appropriate authorities have been completed and the equipment specified herein should now be disposed of pursuant to the laws of the state of Indiana, and

WHEREAS, the successor to the overseer of the closure activities of the sanitary landfill has indicated that the equipment is no longer necessary and there are parties that have expressed interest in procuring this item of personal property from the City, and the overseeing parties deem the property no longer necessary for use and maintenance by the City of Lebanon.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LEBANON, INDIANA, that:

Section 1: The former sanitary landfill of the City of Lebanon has on hand certain personal property which belongs to the City of Lebanon and is considered unfit and no longer proper for the purpose for which it was intended and procured and the same should be disposed of pursuant to the laws of the State of Indiana in that it has a total estimated value of more than One Thousand Dollars (\$1,000) as shown by appropriate estimates of its value presented to the Common Council. Said personal property consists of the following, to-wit:

1971 CAT 955 Track type Loader

Section 2: The aforementioned personal property is qualified to be disposed of pursuant to I.C. 36-1-11-6(a)(2) and I. C. 36-1-11-6(b)(1).

Section 3: The head of the street department, Steve Large, who is also responsible for overseeing the remaining activity of the former City sanitary landfill, is hereby appointed as disposing agent and directed to dispose of said property under the terms of I.C. 36-1-11-6(b)(1). Since the estimated value of the personal property is more than the statutory amount of One Thousand Dollars (\$1,000), and the same consists of one (1) item, the disposing agent shall sell the personal property at a public auction, which is to be conducted by an auctioneer licensed under I. C. 25-6.1, after advertising the personal property for sale in accordance with I.C. 5-3-1, which in this event requires that notice shall be published two (2) times, at least one (1) week apart, with the second publication made at least three (3) days before the public sale.

Section 4: The disposing agent is hereby directed to make a report of his action under this ordinance upon completion of the sale or disposal of said property.

Section 5: This ordinance shall become effective from and after its passage.

ALL OF WHICH IS CONSIDERED AND PASSED BY THE COMMON COUNCIL OF THE CITY OF LEBANON, STATE OF INDIANA, this 14th day of May, 1990.

PRESIDING OFFICER:

Ann Garoffolo, Mayor

ATTEST:

Helen M. Harman (Signed)
Helen M. Harman, Clerk-Treasurer

Presented by me to the Mayor of the city of Lebanon, Indiana on this 14th day of May, 1990.

Helen M. Harman (Signed)
Helen M. Harman, Clerk-Treasurer

EXAMINED, APPROVED AND SIGNED by me on this 14th day of May, 1990.

Ann Garoffolo, Mayor