

**RESOLUTION NO. 241**

**TO ESTABLISH A PROCEDURE FOR THE DISPOSITION OF  
SURPLUS REAL AND/OR PERSONAL PROPERTY**

**WHEREAS**, the *Tenn. Code Anno.* §12-3-1005, authorizes municipalities to establish a procedure for the disposition of surplus personal property of the municipality to other governmental entities; and

**WHEREAS**, such governmental entities may include, but are not limited to, counties, municipalities, metropolitan governments, the State of Tennessee, the federal government, other states or their political subdivision and the instrumentalities of any of the foregoing; and

**WHEREAS**, such disposition may be by sale, gift, trade, or barter upon such terms as the Board of Mayor and Aldermen may authorize, without regard to any other provisions of law regarding the sale or disposition of used or surplus personal property; and

**WHEREAS**, the *Tenn. Code Anno.* does not furnish any guidance on any other method of disposal of city property either real or personal; and

**WHEREAS**, it is appropriate to establish a procedure in the case of an offer, proposal or bid from a governmental entity or private party to the municipality.

**NOW, THEREFORE, BE IT RESOLVED BY THE Board of Mayor and Aldermen of the Town of Mount Carmel, Tennessee, that:**

**SECTION 1.** The Board of Mayor and Aldermen may receive a proposal from any governmental entity for the purchase, gift, trade, or barter of any town personal property whether or not the property has been declared surplus by any department of the town.

**SECTION 2.** The Board of Mayor and Aldermen will decide on a case-by-case basis whether it is necessary to declare as surplus the property that is the subject of the proposal to be considered.

**SECTION 3.**

For purposes of this Resolution, it is not necessary that the proposal from the governmental entity is written or that any formal offer be made. The Board of Mayor and Aldermen will decide, on a case-by-case basis, whether it is necessary to accept an offer, make an offer based upon representations made to a town official, or make a counteroffer, and will authorize the appropriate official to act as necessary under the circumstances.

**SECTION 4.**

As to the disposal of city property, either real or personal, to parties other than governmental entities, said property shall be sold by sealed bid with public notice of the acceptance of such bid five (5) days prior to the opening of said bids or at public auction duly advertised in a newspaper of general circulation in the City at least five (5) days before the date of sale. The Board shall have the power to accept and approve the highest bid or to reject all bids.

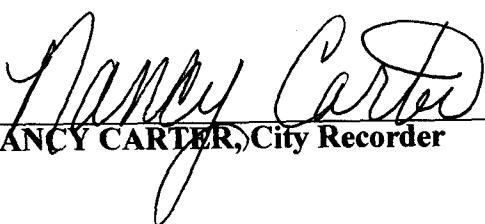
**SECTION 5.**

This resolution shall take effect upon its passage the public welfare requiring it.

**A D O P T E D** this the 27 day of September, 2001.

  
GARY W. LAWSON, Mayor

ATTEST:

  
NANCY CARTER, City Recorder

**APPROVED AS TO FORM:**

  
LAW OFFICE OF MICHAEL A. FAULK

First Reading	Ayes	Nays	Other
Alderman Henry Bailey	✓		
Vice-Mayor Eugene Christian			
Alderman Paul Hale	✓		
Mayor Gary Lawson			✓
Alderman George E. Pierce	✓		
Alderman Thomas Wheeler	✓		
Alderman Wanda Worley			
<b>Totals</b>	4	0	1

PASSED FIRST READING: 9-27-01