

## **RESOLUTION 23-275**

### **A RESOLUTION APPROVING THE EXCHANGE OF PROPERTY BETWEEN THE CITY OF WOODBURN AND THE TOWN OF MILFORD**

**WHEREAS**, the City of Woodburn, Indiana (“Woodburn”) holds title to a certain 2016 Ram Truck vehicle, VIN 1C6RR7XT4GS197153 (the “Vehicle”); and

**WHEREAS**, the Woodburn Common Council has determined that it is no longer in need of such Vehicle and desires to convey the Vehicle to the Town of Milford, Indiana (“Milford”), Indiana for its use in providing law enforcement services; and

**WHEREAS**, Woodburn is willing to transfer possession of said Vehicle to Milford and Milford is willing to accept the Vehicle from Woodburn; and

**WHEREAS**, I.C. §5-22-22-10 allows a purchasing agency to exchange property with another governmental body upon terms and conditions agreed upon by the governmental bodies as evidenced by adoption of a substantially identical resolution by each entity; and

**WHEREAS**, I.C. §5-22-22-10 allows such a transfer to be made for any amount of property or cash as agreed upon by the governmental bodies.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF WOODBURN, INDIANA, THAT:**

Section 1. Subject to substantially identical resolutions being adopted by each entity, the conveyance and transfer of the Vehicle by Woodburn to Milford for Nine Thousand Two Hundred Thirty-five and 83/100 Dollars (\$9,235.83), and the acceptance of the title and possession of the Vehicle by Milford from Woodburn, is hereby approved, confirmed, and ratified.

Section 2. Any and all action necessary to exchange, re-title, or otherwise convey and transfer the Vehicle from Woodburn to Milford, along with any and all other action necessary to effectuate the intent of this Resolution, is hereby approved, confirmed, and ratified. The execution and delivery by any officer of Woodburn, and the execution and receipt by any officer of Milford, of any bill of sale, assignment, title, or any document or instrument authorized by the foregoing Resolutions, is hereby authorized, and accepted.

Section 3. Woodburn makes no representation or warranty whatsoever with respect to the Vehicle, including any warranty of merchantability or warranty of fitness for a particular purpose. Milford by accepting the Vehicle acknowledges that it has not relied on any representation or warranty (other than warranty of title) made by Woodburn

or any other person on Woodburn's behalf and acknowledges that Milford has fully inspected the Vehicle and accepts the same in its present used and "as is" condition.

Section 4. No part of this Resolution shall be interpreted to conflict with any local, state or federal laws, and all reasonable efforts should be made to harmonize the same. Should any section or part thereof of the Resolution be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Resolution as a whole, or any other portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of the Resolution are hereby declared severable.

Section 5. This Resolution shall be effective and in full force and effect from and after its date of passage.

[SIGNATURE PAGE FOLLOWS]

PASSED AND ADOPTED by the Common Council of the City of Woodburn,  
Allen County, Indiana this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

COMMON COUNCIL OF THE CITY OF WOODBURN, INDIANA

\_\_\_\_\_ YEA \_\_\_\_\_ Nay \_\_\_\_\_ ABS \_\_\_\_\_  
Michael Martin

\_\_\_\_\_ YEA \_\_\_\_\_ Nay \_\_\_\_\_ ABS \_\_\_\_\_  
Tonya Thompson

\_\_\_\_\_ YEA \_\_\_\_\_ Nay \_\_\_\_\_ ABS \_\_\_\_\_  
Dean Gerig

\_\_\_\_\_ YEA \_\_\_\_\_ Nay \_\_\_\_\_ ABS \_\_\_\_\_  
Daniel Watts

\_\_\_\_\_ YEA \_\_\_\_\_ Nay \_\_\_\_\_ ABS \_\_\_\_\_  
Vicky Sarrazine

ATTEST:

By: \_\_\_\_\_  
Timothy Cummins, Clerk-Treasurer

The foregoing Resolution passed by the Common Council is signed and approved ( ) /  
not approved ( ) by me on the same date.

By: \_\_\_\_\_  
Joseph Kelsey, Mayor of the City of Woodburn