

91-21

# RESOLUTION

"BE IT RESOLVED by the Governing Board, OR by the Chief Administrative Officer of those organizations which do not have a governing board, and hereby ordered that the official(s) and/or employee(s) whose name(s), title(s), and signature(s) are listed below shall be and is (are) hereby authorized as our representative(s) to acquire federal surplus property from the Ohio State Agency for Surplus Property under the Terms and Conditions listed on the reverse side of this form."

NAME (Print or type)	TITLE	SIGNATURE
JAMES F. BARTOE	MAYOR	<i>James F. Bartoe</i>
ANTOINETTE YARMAN	CLERK/TREASURER	<i>Antoinette Yarmen</i>
RONALD E. SMALL	POLICE CHIEF	<i>Ronald E. Small</i>
RONALD L. COLLEY	Fire Chief	<i>Ronald L. Colley</i>

PASSED AND ADOPTED this 8th day of July, 19 91, by the Governing Board of Village of Buckeye Lake  
by the following vote: Ayes: 6; Noes: 0; Absent: 0.

I, Antoinette Yarmen, Clerk of the Governing Board of Village of Buckeye Lake do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the Board at a Council meeting thereof held at its regular place of meeting at the date and by the vote above stated, which resolution is on file in the office of the Board.

**BUCKEYE LAKE VILLAGE**  
Name of organization  
P.O. Box 27  
**Buckeye Lake, Ohio 43008**  
Mailing address  
City County Zip code

(Signed) *Antoinette Yarmen*

OR  
AUTHORIZED this 8th day of July, 19 91, by:  
James F. Bartoe MAYOR  
Name of chief administrative officer Title

**BUCKEYE LAKE VILLAGE**  
Name of organization  
P.O. Box 27  
**Buckeye Lake, Ohio 43008**  
Mailing address  
City County Zip code

(Signed) *James F. Bartoe*

**CONTRACT BETWEEN THE STATE OF OHIO, DEPARTMENT OF ADMINISTRATIVE SERVICES:  
THE UNITED STATES GENERAL SERVICES ADMINISTRATION; AND, THE TRANSFEREE**

**CERTIFICATIONS AND AGREEMENTS (INCLUDING TERMS,  
CONDITIONS, RESERVATIONS AND RESTRICTIONS).**

**(a) THE DONEE CERTIFIES THAT:**

(1) It is a public agency; or a nonprofit educational or public health institution or organization, exempt from taxation under Section 501 of the Internal Revenue Code of 1954; within the meaning of Section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended, and the regulations of the Administrator of General Services.

(2) If a public agency, the property is needed and will be used by the recipient for carrying out or promoting for the residents of a given political area one or more public purposes, or, if a nonprofit tax-exempt institution or organization, the property is needed for and will be used by the recipient for educational or public health purposes, and including research for such purpose. The property is not being acquired for any other use or purpose, or for sale or other distribution; or for permanent use outside the State, except with prior approval of the State Agency.

(3) Funds are available to pay all costs and charges incident to donation.

(4) This transaction shall be subject to the nondiscrimination regulations governing the donation of surplus personal property issued under Title VI of the Civil Rights Act of 1964, Title VI Section 606 of the Federal Property and Administrative Services Act of 1949, as amended, and Section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments of 1972, as amended, and Section 303 of the Age Discrimination Act of 1975.

**(b) THE DONEE AGREES TO THE FOLLOWING FEDERAL CONDITIONS:**

(1) All items of property shall be placed in use for the purpose(s) for which acquired within one year of receipt and shall be continued in use for such purpose(s) for one year from the date the property was placed in use. In the event the property is not so placed in use, or continued in use, the donee shall immediately notify the State Agency, and at the donee's expense, return such property to the State Agency, or otherwise make the property available for transfer or other disposal by the State Agency, provided the property is still usable as determined by the State Agency.

(2) Such special handling or use limitations as are imposed by General Services Administration (GSA) on any item(s) of property listed hereon.

(3) In the event the property is not so used or handled as required by (b) (1) and (2), title and right to the possession of such property shall at the option of GSA revert to the United States of America and upon demand the donee shall release such property to such person as GSA or its designee shall direct.

**(c) THE DONEE AGREES TO THE FOLLOWING CONDITIONS IMPOSED BY THE STATE AGENCY, APPLICABLE TO ITEMS WITH A UNIT ACQUISITION COST OF \$3,000 OR MORE AND PASSENGER MOTOR VEHICLES, REGARDLESS OF ACQUISITION COST, EXCEPT VESSELS 50 FEET OR MORE IN LENGTH AND AIRCRAFT:**

(1) The property shall be used only for the purpose(s) for which acquired and for no other purpose(s).

(2) There shall be a period of restriction which will expire after such property has been used for the purpose(s) for which acquired for a period of 24 months from the date the property is placed in use, except for such items of major equipment, listed hereon, on which the State Agency designates a further period of restriction.

(3) In the event the property is not so used as required by (c) (1) and (2) and Federal restrictions (b) (1) and (2) have expired then title and right to the possession of such property shall at the option of the State Agency

revert to the State of Ohio and the donee shall release such property to such person as the State Agency shall direct.

**(d) THE DONEE AGREES TO THE FOLLOWING TERMS, RESERVATIONS AND RESTRICTIONS:**

(1) From the date it receives the property listed hereon and through the period(s) of time the conditions imposed by (b) and (c) above remain in effect, the donee shall not sell, trade, lease, lend, bail cannibalize, encumber, or otherwise dispose of such property, or remove it permanently, for use outside the State, without the prior approval of GSA under (b) or the State Agency under (c). The proceeds from any sale trade, lease, loan, bailment, encumbrance or other disposal of the property, when such action is authorized by GSA or by the State Agency, shall be remitted promptly by the donee to GSA or the State Agency, as the case may be.

(2) In the event any of the property listed hereon is sold, traded, leased, loaned, bailed, cannibalized, encumbered, or otherwise disposed of by the donee from the date it receives the property through the period(s) of time the conditions imposed by (b) and (c) remain in effect, without the prior approval of GSA or the State Agency, the donee, at the option of GSA or the State Agency shall pay to GSA or the State Agency, as the case may be, the proceeds of the disposal or the fair market value or the fair rental value of the property at the time of such disposal, as determined by GSA or the State Agency.

(3) If at any time, from the date it receives the property through the period(s) of time the conditions imposed by (b) and (c) remain in effect, any of the property listed hereon is no longer suitable, usable, or further needed by the donee for the purpose(s) for which acquired, the donee shall promptly notify the State Agency, and shall, as directed by the State Agency, return the property to the State Agency, release the property to another donee or another State Agency, a department or agency of the United States, sell or otherwise dispose of the property. The proceeds from any sale shall be remitted promptly by the donee to the State Agency.

(4) The donee shall make reports to the State Agency on the use, condition, and location of the property listed hereon, and on other pertinent matters as may be required from time to time by the State Agency.

(5) At the option of the State Agency, the donee may abrogate the conditions set forth in (c) and the terms, reservations and restrictions pertinent thereto in (d) by payment of an amount as determined by the State Agency.

**(e) THE DONEE AGREES TO THE FOLLOWING CONDITIONS, APPLICABLE TO ALL ITEMS OF PROPERTY LISTED HEREON:**

(1) The property acquired by the donee is on an "as is," "where is" basis, without warranty of any kind.

(2) Where a donee carries insurance against damage to or loss of property due to fire or other hazards and where loss of or damage to donated property with unexpired terms, conditions, reservations or restrictions, occurs, the State Agency will be entitled to reimbursement from the donee out of the insurance proceeds, of an amount equal to the unamortized portion of the fair value of the damaged or destroyed donated items.

**(f) TERMS AND CONDITIONS APPLICABLE TO THE DONATION OF AIRCRAFT AND VESSELS (50 FEET OR MORE IN LENGTH) HAVING AN ACQUISITION COST OF \$3,000 OR MORE, REGARDLESS OF THE PURPOSE FOR WHICH ACQUIRED.**

The donation shall be subject to the terms, conditions, reservations and restrictions set forth in the Conditional Transfer Document executed by the authorized donee representative.

STATE OF OHIO  
**APPLICATION FOR ELIGIBILITY**

Department of Administrative Services  
Division of Office Services  
Federal Surplus Property  
226 North Fifth Street  
Columbus, Ohio 43215

Legal name of organization BUCKEYE LAKE VILLAGE FIRE DEPT. Telephone (614) 928-FIRE

Address 10993 Hebron Rd. Box 27 City Buckeye Lake County Licking Zip 43008

1. Application is being made as a (please check one) (a)  Public agency or (b)  Private, nonprofit and tax-exempt educational or public health organization. Please provide evidence that the organization is a public agency or enclose a copy of the letter or certificate from the United States Internal Revenue Service evidencing tax-exemption under Section 501 of the Internal Revenue Code of 1954.
2. Check type of agency or organization and attach a supplement to this application describing the program operations and activities. For private, nonprofit organizations, the following additional information is required: (a) For educational institutions, include a description of the curriculum, the number of days in the school year, and the number and qualifications of the faculty or staff; (b) If a public health institution or organization, include a description of the health services offered, qualifications of staff and, if applicable, the number of beds, number of resident physicians, and number of registered nurses on the staff.

**PUBLIC AGENCIES:**

- State
- City
- County
- Township
- Conservation
- Economic Development
- Education
- Parks & Recreation
- Public Health
- Public Safety
- Port/Transit Authority
- Other (Specify)  
Municipality

**NONPROFIT INSTITUTION OR ORGANIZATION:**

- Education
- School for Mentally Retarded
- School for Physical Handicapped
- Educational Radio or Television
- Geriatric Center
- Library
- Medical Institution
- Hospital
- Health Center
- Museum
- Clinic
- Nursing Home
- Child Care Center
- Research Institution
- Training Center
- Other

Funding	_____ %	Endowments	_____ %
Grants	_____ %	Donations	_____ %
Contribution/Fees	_____ %	Other	_____ %

Check if the applicant program is  approved;  accredited;  or licensed. Enclose evidence of such approval, accreditation, or licensing.  Check here if the applicant lacks evidence of formal approval, accreditation, or licensing, and refer to the enclosed instructions. (Incorporation papers do not satisfy these instructions.)

Are the applicant's services available to the public at large? Yes If only a specified group of people is served, please indicate who comprises this group. \_\_\_\_\_

Checklist of attachments submitted with this application.

- Evidence that applicant's program is a public agency or exempt from paying taxes under Section 501 of the IRS Code of 1954
- Description of program operations and activities
- Evidence of approval, accreditation, or licensing or information submitted in lieu thereof
- SASP Form No. 202, "Resolution," properly signed, designating representatives authorized to bind the applicant to the terms and conditions governing the transfer of federal surplus personal property
- SASP Form No. 203, nondiscrimination compliance assurance
- Statement concerning applicant's needs, resources, and ability to utilize the property
- Other statements or documentation required, as specified in the instructions, for certain categories of applicants.

Date: 7/8/91 Signed: *Patricia Farmer* Title: Clerk-Treasurer

**FOR STATE AGENCY USE**

Application approved: \_\_\_\_\_ Application disapproved: \_\_\_\_\_

Comments or additional information \_\_\_\_\_

Date: \_\_\_\_\_ Signed: \_\_\_\_\_ Director

# NONDISCRIMINATION ASSURANCE

Assurance to be executed by authorized representative of donee activity prior to receiving donations of surplus personal property from the State Surplus Property Agency on and after October 17, 1977.

Assurance of Compliance with GSA Regulations under Title VI of the Civil Rights Act of 1964, Section 606 of Title VI of the Federal Property and Administrative Services Act of 1949, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments of 1972, as amended, and Section 303 of the Age Discrimination Act of 1975.

Village of Buckeye Lake, hereinafter called the "donee" hereby agrees that the program for or in connection with which any property is donated to the donee will be conducted in compliance with, and the donee will comply with and will require any other person (any legal entity) who through contractual or other arrangements with the donee is authorized to provide services or benefits under said program to comply with, all requirements imposed by or pursuant to the regulations of the General Services Administration (41 CFR 101-6.2, or 101-8) issued under the provisions of Title VI of the Civil Rights Act of 1964, Section 606 of Title VI of the Federal Property and Administrative Services Act of 1949, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments of 1972, as amended, and Section 303 of the Age Discrimination Act of 1975, to the end that no person in the United States shall on the ground of race, color, national origin, sex or age, or that no otherwise qualified handicapped person shall solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity for which the donee received Federal assistance from the General Services Administration; and Hereby Gives Assurance that it will immediately take any measures necessary to effectuate this agreement.

The donee further agrees that this agreement shall be subject in all respects to the provisions of said regulations; that this agreement shall obligate the donee for the period during which it retains ownership or possession of any such property; that the United States shall have the right to seek judicial enforcement of this agreement; and, this agreement shall be binding upon any successor in interest of the donee and the word "donee" as used herein includes any such successor in interest.

Dated 7/8/91

Village of Buckeye Lake  
Donee

By James F. Bantje

(President/Chairman of the Board or  
comparable authorized official)

**BUCKEYE LAKE VILLAGE**

P.O. Box 27

Buckeye Lake, Ohio 43008

Donee mailing address

ORDINANCE OR RESOLUTION NUMBER: 91-21

*sent copy to address on Res. 191  
J. Holmes*

INTRODUCED BY: \_\_\_\_\_

MOTION TO SUSPEND RULES: R. Leindecker

SECOND

AYES

NAYES

LARRY ESSEX

✓

\_\_\_\_\_

GRAYCE HOLMES

✓

\_\_\_\_\_

RICHARD LEINDECKER

✓

\_\_\_\_\_

JAMIE BRAIG WILSON

✓

\_\_\_\_\_

ROBERT WILSON

✓

\_\_\_\_\_

JUDY YOCUM

✓

\_\_\_\_\_

TOTAL: 6

0

MOTION TO ADOPT J. Holmes

SECOND J. Yocum

AYES

NAYES

LARRY ESSEX

✓

\_\_\_\_\_

GRAYCE HOLMES

✓

\_\_\_\_\_

RICHARD LEINDECKER

✓

\_\_\_\_\_

JAMIE BRAIG WILSON

✓

\_\_\_\_\_

ROBERT WILSON

✓

\_\_\_\_\_

JUDY YOCUM

✓

\_\_\_\_\_

TOTAL: 6

0

DATE POSTING BEGAN 7/9/91

EFFECTIVE DATE 7/23/91

CERTIFICATION

I hereby certify the above to be an accurate account of the action of Council on the above matter.

The undersigned Clerk/Treasurer of the Village of Buckeye Lake, Ohio, hereby certifies that this Resolution 91-21 was posted pursuant to Section 731.25 of the Ohio Revised Code and was posted in at least six (6) designated public places from the 9th day of July, 1991 until the 23 day of July.

Antoinette Yocum  
CLERK/TREASURER OF THE VILLAGE OF BUCKEYE LAKE, OHIO