

Passed: 5-26-09

Published: 6-3-09

ORDINANCE NO. 1987

AN ORDINANCE AMENDING CHAPTER 3.12 OF THE DERBY MUNICIPAL CODE, PERTAINING TO DISPOSAL OF EXCESS OR OBSOLETE CITY PROPERTY; AND REPEALING ORIGINAL CHAPTER 3.12 OF SAID CODE.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DERBY, KANSAS:

Section 1. Chapter 3.12 of the Derby Municipal Code is hereby amended to read as follows:

3.12.010 Formal sale.

A. Except as otherwise provided in this chapter, whenever the governing body of the city finds by resolution that certain property is no longer of any use or service to the city and that in order to prevent further depreciation or maintenance, the property should be sold, it may proceed to sell the personal property pursuant to the provisions set forth in this section.

B. Notice. Any such property may be sold at either public or private sale; provided, that prior to the date of the sale, the city shall cause notice of such sale to be published once each week for two consecutive weeks in the official city paper. The last publication shall be not more than 10 days before the date of the sale. The notice of the sale shall contain a complete description of the property, together with the terms of the sale.

C. Bidding. All such property shall be sold to the highest bidder for cash or on such other terms as the city manager may establish; provided, that in the event that the highest bidder refuses to accept delivery of the property, the city may accept the bid of the second highest bidder.

3.12.020 Informal sale.

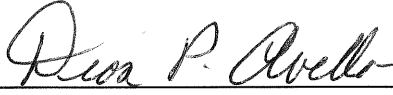
A. As a complete alternative to any other sale procedures authorized by city ordinance, any item of used or obsolete personal property owned by the city may be sold at the written direction of the city manager upon such terms as he or she may establish.

B. Upon the sale of any such personal property pursuant to this section, the city manager shall cause the proceeds of such sale to be deposited with the city treasurer, along with a written report of such sale detailing the date of sale, name and address of the purchaser, a list of property sold and the sale price.

Section 2. Original Chapter 3.12 of the Derby Municipal Code is hereby repealed.

Section 3. This ordinance shall take effect and be in force from and after its adoption and publication once in the official city newspaper.

PASSED BY THE GOVERNING BODY this 26th day of May, 2009.



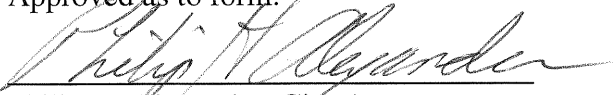
Dion P. Avello, Mayor

ATTEST:



Jean Epperson, City Clerk

Approved as to form:



Philip H. Alexander, City Attorney