

RESOLUTION NO. 2022 - 04

**A RESOLUTION DECLARING SURPLUS PROPERTY AND AUTHORIZING THE
SALE, DONATION, OR DISPOSAL OF SURPLUS PROPERTY**

WHEREAS, the Board of Trustees of the Bensenville Fire Protection District (the "District"), DuPage County, Illinois, has the authority pursuant to 70 ILCS 705-10a to sell, donate, or dispose of personal property no longer needed for fire protection or emergency medical services; and

WHEREAS, the District has determined that it is in the District's best interest to sell, donate, or dispose of the surplus property identified below.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Bensenville Fire Protection District No. 2, DuPage County, Illinois, as follows:

Section One: The District hereby finds that the personal property identified on **EXHIBIT A** attached hereto and made a part hereof is no longer needed for Fire/EMS purposes and is declared to be surplus.

Section Two: The identified surplus property shall be sold "AS IS". In particular, **THE SELLER MAKES NO WARRANTIES OR REPRESENTATIONS EXPRESSED OR IMPLIED ABOUT THE PERFORMANCE ABILITY OF THE SUBJECT PROPERTY, ABOUT ITS PRESENT STATE OF REPAIR, ABOUT ITS CONDITION OR MAINTENANCE, ITS MERCHANTABILITY, OR FITNESS FOR A PARTICULAR PURPOSE.**

Section Three: The sale shall be contingent upon agreement by the Buyer that:

- a) The property will be for the sole use and purposes of the Buyer, and
- b) The Buyer properly executes the Indemnity and Hold Harmless Agreement substantially in the form contained in EXHIBIT B attached hereto.
- c) The Buyer will remove all Bensenville Fire Protection District lettering from property before any public display or use of property is allowed.

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EXHIBIT A

- ~ SCOTT AP-50 Air Packs
- ~ Air Cylinders
- ~ Quick Connect Regulators
- ~ Cylinder Head Gauges
- ~ AV-3000 Masks
- ~ SCOTT Masks and Parts
- ~ Fog Adapter Nozzles
- ~ Stacked Tips
- ~ 1.5 Fog Nozzles
- ~ Pelican Case
- ~ Old Foam
- ~ Strong Arm
- ~ Pelican Case with Air Hose and Come-A-Long
- ~ Gas Powered Edger
- ~ Trooling Motor
- ~ Hose Stand Roller
- ~ Hose Corner Roll
- ~ Powered Amkus Reels
- ~ Vacuum Test Gauge Set
- ~ Replacement Jaws For Bolt Cutters
- ~ Various Conduits
- ~ Red Tarps
- ~ Spare Tires
- ~ Seats From Expedition
- ~ Booster Line
- ~ Steel Cable & Empty Keg
- ~ Cones
- ~ Ice Water Suits
- ~ Fiberglass Pike Pole
- ~ Stell Shelving Units
- ~ SCOTT RIT Bag
- ~ Old Lockers
- ~ Vehicle Shammys
- ~ Safety Vests
- ~ Storx Fittings
- ~ Hearing Protection Ear Muffs
- ~ Hydrant Wrenches
- ~ Old Lights

- ~ Old Radio Equipment
- ~ 10' Wooden A Frame Ladder
- ~ Broken Pencil Ladder
- ~ 20' Roof Ladder
- ~ Old Extension Ladder
- ~ Back Boards
- ~ Old Barricades and Signs
- ~ 8' Water Valve Key
- ~ Apple Mac Computer
- ~ Out of Service Hoses
- ~ HP Designjet T520 ePrinter
- ~ Canon ImageCLASS MF8280c Printer
- ~ HP Laptop Computers

EXHIBIT B

EQUIPMENT DONATION RELEASE AND HOLD HARMLESS AGREEMENT

In consideration for the sale of the personal property described herein, the _____ (the "Donee") agrees to the following conditions in consideration of the sale by the Bensenville Fire Protection District's (the "Donor") of the following personal property to the Donee:

Description of donated equipment

Donee agrees that all understandings and agreements heretofore had between the Donor and the Donee regarding this agreement are merged in this agreement, which alone fully and completely express this agreement.

Donee represents that it is accepting the personal property described above "AS IS." **THE DONOR MAKES NO WARRANTIES OR REPRESENTATION EXPRESSED OR IMPLIED ABOUT THE PERFORMANCE ABILITY OF THE SUBJECT PROPERTY, ABOUT ITS PRESENT STATE OF REPAIR, ABOUT ITS CONDITION OR MAINTENANCE, OR ITS MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.**

Further, that Donee agrees to indemnify and save harmless the Donor against any and all lawsuits, judgments, decrees, costs, expenses (including reasonable attorney's fees) or any other loss the Donor might sustain by reason of the donation of the subject property by the Donee, included, but not limited to, any liability resulting from the use of the _____. The Donee further agrees to replace the _____ in accordance with established United States Department of Transportation guidelines.

Agreed to this _____ day of _____, 20____.

Donee: _____

BY:

ATTESTED BY:

Signature

Signature

Section Four: The sale shall further be contingent upon Agreement by the Buyer that at the time the identified property ceases to be used solely for the purposes of the Buyer, the Buyer shall sell or otherwise dispose of the identified property in any manner it sees fit.

Section Five: This Resolution shall be in full force and effect upon its adoption and shall supersede any resolution or motions or parts of resolutions or motions in conflict with any part herein and any such resolutions or motions or parts of resolutions are hereby repealed.

Section Six: If any section, paragraph, or provision of the Resolution shall be held invalid or unenforceable for any reason, such invalidity or unenforceability shall not affect any of the remaining provisions of this Resolution.


ADOPTED this 15th day of December 2022, by the following roll call vote:

AYES: 3

NAYS: 0

ABSENT: 0


Robert Madura, President, Board of Trustees
Bensenville Fire Protection District No. 2

ATTEST

Douglas Eltman, Secretary, Board of Trustees
Bensenville Fire Protection District No. 2

STATE OF ILLINOIS)
)
DuPAGE COUNTY) SS

SECRETARY'S CERTIFICATE

I, **DOUGLAS ELTMAN**, the duly qualified and acting Secretary of the Board of Trustees of the Bensenville Fire Protection District No. 2, DuPage and Cook Counties, Illinois, do hereby certify that attached hereto is a true and correct copy of a Resolution entitled:

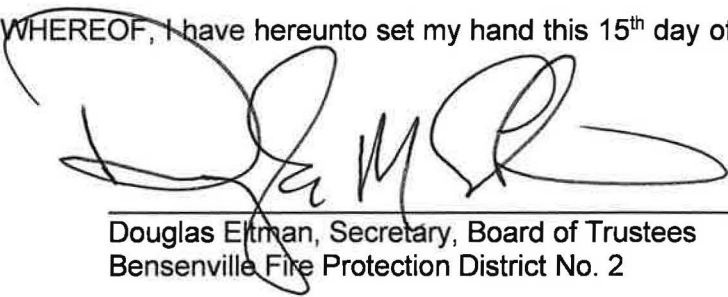
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which Resolution was duly adopted by said Board of Trustees at a special and/or rescheduled meeting held on the 15th day of December 2022.

I do further certify that a quorum of the said Board of Trustees was present at said meeting and that the Board complied with all requirements of the Illinois Open Meetings Act.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of December 2022.



Douglas Eltman, Secretary, Board of Trustees
Bensenville Fire Protection District No. 2