

RESOLUTION NO. R1693

WHEREAS, the Nebraska Department of Roads, through the Federal Property Assistance Section, by authority of the Federal Property and Administrative Services Act of 1949, (40 USC 484) as amended, makes available federal surplus personal property to public agencies for public purposes and to nonprofit taxexempt health and educational institutions, and

WHEREAS, the City of Lexington, Nebraska, hereafter referred to as the Applicant, is desirous of utilizing the services and resources of this agency, and

WHEREAS, the Applicant certifies that it is a public agency or a nonprofit educational or health institution exempt from taxation under Section 501 of the U. S. Internal Revenue Code of 1954, and

WHEREAS, the Applicant further certifies that 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 and for no other purposes, or

WHEREAS, the Applicant further certifies that property is needed for and will be used by the recipient for educational or public health purposes including research and for no other purposes, and

WHEREAS, the Applicant agrees that all items of property shall be placed in use for the purposes for which acquired within one year of receipt and shall be continued in use for such purposes for one year from the date the property was placed in use, and in the event the property is not so placed in use, or continued in use, and in the event the property is not so placed in use, or continued in use, the donee shall immediately notify the State Agency, and return said property to the State Agency as directed, and

WHEREAS, the Applicant further agrees to abide by all additional periods of restriction placed on the property by the State Agency; that is 30 months on all passenger motor vehicles and other items of property with a unit acquisition cost of \$3,000 or more, except for such items of major equipment on which the State Agency designates a further period of restrictions as indicated on the distribution document, and

WHEREAS, the Applicant further agrees that during the period of restriction, it will not sell, trade, lease, lend bail, encumber, or otherwise dispose of such property without prior approval of the General Services Administration or the State Agency, and in the event property is so disposed of without prior approval of the General Services Administration or the State Agency, the Applicant will be liable for the fair market value or the fair rental value of such property as determined by the General Services Administration or the State Agency, and

WHEREAS, the Applicant certifies that it will file assurance of compliance with GSA regulations under Title VI of the Civil Rights Act of 1964, Section 605 of Title VI of the Federal Property and Administrative Service Act of 1949, as amended and Section 504 of the Rehabilitation Act of 1973, as amended, and

WHEREAS, the Applicant further agrees to remit promptly to the State Agency for all service and handling fees on property acquired, and

THEREFORE, BE IT RESOLVED, that the Applicant requests that eligibility be established to participate in the State Federal Property Assistance Program, and

BE IT FURTHER RESOLVED, that Leon E. Malzahn, Acting City Manager, be authorized to act on behalf of the governing body of the Applicant in acquiring federal surplus property and so obligate said governing body to the aforementioned certifications and agreements, and that such person be authorized, at his discretion, to further delegate authority to any agent of the Applicant organization for the purpose of acquiring surplus property for use by the Applicant Organization.

Robert L. Hawks
President of the Council

ATTEST:

Leon E. Malzahn
City Clerk

Clyde

