

**TOWN OF ADDISON, TEXAS**

**ORDINANCE NO. 005-005**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE VI (DISPOSAL OF UNCLAIMED OR SURPLUS PROPERTY) BY AMENDING SECTION 2-303 (METHOD OF SALE); PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, in accordance with State law the City Council of the Town of Addison, Texas (the "City") has heretofore adopted a policy regarding the disposal of unclaimed or surplus property, and

**WHEREAS**, the said policy is set for in Chapter 2, Article VI, Section 2-303; and

**WHEREAS**, the City Council has reviewed this policy and desire to amend it as set forth herein:

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:**

**Section 1. Incorporation of Premises.** The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**Section 2. Amendment.** Chapter 2 (Administration) of the Code of Ordinance of the Town of Addison, Texas is hereby amended in the following particular, and all other chapters, articles, section, subsections, paragraphs and words are not amended but are ratified and confirmed.

- a. The director of finance shall sell unclaimed property and surplus property by public auction or by accepting sealed bids, to the highest bidders. The property may be auctioned; each piece individually or in assembled lots, whichever the director of finance determines will bring the best prices obtainable, except for motor vehicles, which must be sold individually. If in the opinion of the director of finance the highest bid on a particular item is not sufficient, he/she may refuse the bid and hold the item for sale at another time. The director of finance may dispose of surplus property if the property in question is not considered in good working order and has a replacement value of less than \$100.00. Records will be kept regarding the items that are both auctioned and disposed of on an annual basis. These records will be maintained as stipulated in the Town's record retention schedule.

- b. If the director of finance finds that it would be in the best interest of the town to sell the property in auction conducted by another city, it shall be permissible for other municipalities to sell unclaimed or surplus property of which the town has an ownership claim or interest but which is under the temporary care, authority, custody or control of such municipality, provided the proceeds from such sale are remitted to the town.
- c. If the director of finance receives a group of ten or more identical items for sale, he/she may, at his/her discretion, sell a minimum of three of these items at public auction. The director of finance may then advertise in the official newspaper of the town and sell the remaining items at a price not less than the average price obtained for auction item.
- d. When the sale is to be by acceptance of sealed bids, the bids must remain in the office of the city secretary for public inspection at least 48 hours after the bids are opened.
- e. The director of finance shall accept cash or personal or business checks if proper identification is shown, for the sale of item by any method of sale. The director of finance may accept a bank credit card, which the Town honors pursuant to contractual arrangements with a bank.
- f. If the highest bid for real estate property is \$10,000.00 or less, the property may be sold to the highest bidder by the director of finance subject to the approval of the city manager. If the highest bid for real estate property is more than \$10,000.00, the sale to the highest bidder must be confirmed by the city council.

**Section 3. Savings.** This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those Ordinances are in direct conflict with the provisions of this Ordinance.

**Section 4. Severability.** The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this Ordinance, and the City Council hereby declares that it would have passed such remaining portion of this Ordinance despite such invalidity, which remaining portion shall remain in full force and effect.

**Section 5. Effective Date.** This Ordinance shall become effective from and after its date of passage and publication as provided by law.

**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas  
this 25<sup>th</sup> day of January, 2005.



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R. Scott Wheeler, Mayor

ATTEST:

By: CMORAN  
Carmen Moran, City Secretary

Published  
2-11-08

