

RESOLUTION NO. 5-2016

Offered by All of Council

A RESOLUTION AUTHORIZING THE SALE BY PUBLIC AUCTION OF A TRUCK AND TRAILER FORFEITED BY COURT ORDER TO THE RICHFIELD POLICE DEPARTMENT AND NO LONGER NEEDED FOR VILLAGE PURPOSES

WHEREAS, the Village of Richfield, pursuant to a Forfeiture Order from the Summit County Court of Common Pleas in Case No. CR 2015 04 1140(A) received title to a 2006 PTRB Truck (VIN # 1X97DB9X26D889060), and 2007 Vanguard Trailer (VIN # 5V8VA53227M708232), (collectively, the "Vehicles") for use by the Police Department, both of which are either not needed or no longer needed for municipal purposes; and

WHEREAS, Section 721.15 of the Ohio Revised Code provides for the sale of such unneeded property, the estimated value of which is one thousand dollars or more, by authorization of Village Council pursuant to a written contract with the highest and best bidder after advertisement of no less than two nor more than four consecutive weeks in a newspaper of general circulation, or regardless of the property's value by internet auction; and

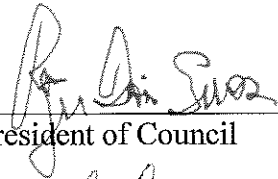
WHEREAS, Section 525.15(d)(8) of the Village's Codified Ordinances provides as follows, "Other unclaimed or forfeited property with the approval of the court, may be used by the Police Department that has possession of it. If the other unclaimed or forfeited property is not used by the Department, it may be sold, without appraisal, at a public auction to the highest bidder for cash or, in the case of other unclaimed or forfeited moneys, disposed of in another manner that the court considers proper in the circumstances."; and

WHEREAS, the Village wishes to authorize the sale of the Vehicles at public auction to the highest bidder for cash pursuant to Codified Ordinance Section 525.15(d)(8).


NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Richfield, Summit County, State of Ohio:

- SECTION 1. That the Police Chief is hereby authorized to sell the Vehicles, more fully identified in the preamble to this Resolution, at public auction to the highest bidder for cash pursuant to Section 525.15(d)(8) of the Village's Codified Ordinances and, along with the Mayor and the Finance Director, enter into such written contracts as necessary for the sale of said Vehicles to the highest bidder.
- SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings including Section 121.22 of the Ohio Revised Code.
- SECTION 3. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 1-19-16



President of Council



Mayor

Dated: 1/19/16

ATTEST:



Clerk of Council

TO: Mayor Bobbie Beshara, Village Council, Carolyn Sullivan, Bill Hanna, Melanie Baker, Sandy Turk, Kevin Edwards

FROM: Police Chief Kelth Morgan

RE: Resolution for vehicle auction agreement. January 19, 2016 Council Meeting

Date: January 5, 2016

ACTION BEING REQUESTED	TYPE OF REQUEST
1st Reading	Auction of Surplus Property Auction Services Agreement

DESCRIPTION

The Mayor will enter into a contract with Adesa Mercer to auction a 2006 Peterbilt Truck (VIN 1X97DB9X26D889060) and a 2007 Vanguard trailer (VIN 5V8VA53227M708232). The vehicle and trailer were forfeited following an arrest and adjudication

There will be no charge for the agreement.

The agreement will include the pickup and transport of the vehicle and trailer to the auction site in Mercer, Pennsylvania. Adesa Mercer will also provide advertisement of the auction items in trade publications and online at no cost.

HISTORY

In April of 2015 Sergeant Fyffe observed a suspicious semi-truck and trailer parked in the parking lot of the Pilot Travel Center. When he approached he saw two people engaged in the transfer of large bundles of marijuana.

Sergeant Fyffe was able to arrest one individual and recover over 100 pounds of marijuana. The other suspect was arrested following an investigation by the detective bureau.

The owner of the truck was subject to criminal forfeiture Ohio Revised Code 2981.04, he was found guilty in the Court of Common Pleas, Summit County. The journal entry (case number CR2015 04 1140) states "...the Summit County Clerk of Courts shall issue clear title of these vehicles to the Village of Richfield, for use by the Richfield Police Department." The titles were issued on November 16, 2015.

As the police department has no immediate need for a semi-truck and trailer and agreement has been reached with Adesa Mercer to dispose of them at auction. The proceeds of the sale will be deposited with the Summit County Clerk of Courts and subsequently dispersed as follows: 80% is to be made payable to the Richfield Police Department Law Enforcement Drug Law Enforcement Fund. The remaining 20% is to be made payable to the Summit County Prosecutor's Law Enforcement Fund.

The Richfield Police Department Law Enforcement Drug Law Enforcement Fund is to be used only for functions related to the states drug laws and other state laws related to illegal drug activity.

BIDDING

There is no charge for transportation of auction items, auction advertising, or auction services.

IN THE COURT OF COMMON PLEAS
COUNTY OF SUMMIT

2015 NOV -6 PM 1:37

SUMMIT COUNTY
CLERK OF COURTS

THE STATE OF OHIO

Case No. CR 2015 04 1140 (A)

vs.

MARVIN GERMANY, JR.

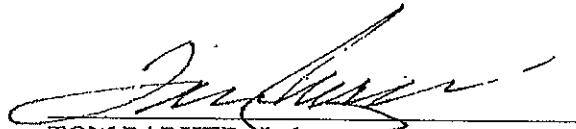
JOURNAL ENTRY
Part II

On September 22, 2015, upon due hearing and finding that no existing security interest has been perfected and preserved, pursuant to Ohio Revised Code § 2981.04, as to the following vehicles:

- A) 2006 PTRB Truck VIN #1X97DB9X26D889060;
- B) 2007 Vanguard Trailer VIN #5V8VA53227M708232.

IT IS THEREFORE ORDERED that the Summit County Clerk of Courts shall issue clear title of these vehicles to the Village of Richfield, for use by the Richfield Police Department.

IT IS FURTHER ORDERED that the above-identified vehicles, seized by the Richfield Police Department are hereby FORFEITED, as agreed to by the Defendant, pursuant to Ohio Revised Code §2981.04 and §2981.06.

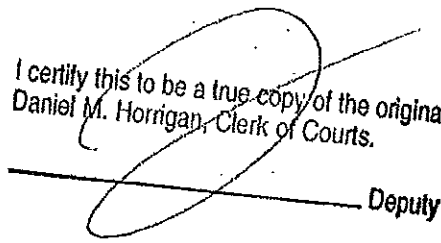


TOM PARKER, Judge
Court of Common Pleas
Summit County, Ohio

/mjl

cc: Asst. Prosecutor Pete Daly
Court Operations/Criminal Division
Attorney Paul F. Adamson
Adult Probation Department
Summit County Sheriff's Office
Richfield Police Department - **CERTIFIED**
OBMV

I certify this to be a true copy of the original
Daniel M. Horrigan, Clerk of Courts.



Deputy

COPY

IN THE COURT OF COMMON PLEAS
COUNTY OF SUMMIT

2015 SEP 28 PM 1:56

30

THE STATE OF OHIO

Case No. CR 2015 04 1140 (A)

vs.

SUMMIT COUNTY
CLERK OF COURTS

JOURNAL ENTRY

MARVIN GERMANY, JR.
(Part 1 of 2)

On September 22, 2015, PETE DALY, the Assistant Prosecuting Attorney appeared on behalf of the State of Ohio. The defendant was in Court with counsel, PAUL ADAMSON.

Thereupon, the defendant was fully advised of all Constitutional rights and all rights as required under Rule 11 of the Ohio Rules of Criminal Procedure. The Court has considered the record, statements of counsel, as well as the principles and purposes of sentencing under O.R.C. 2929.11, and the seriousness and recidivism factors under O.R.C. 2929.12.

The Court grants the State's motion and amends Count 2 of the Indictment to the lesser and included offense of TRAFFICKING IN MARIJUANA, Ohio Revised Code Section 2925.03(A)(C)(3)(d), a felony of the third (3rd) degree.

By plea and sentencing agreement, Defendant retracts the prior plea of Not Guilty entered in this case and for plea to said Indictment, enters a plea of GUILTY to:

1) Amended Count 2, TRAFFICKING IN MARIJUANA, Ohio Revised Code Section 2925.03(A)(C)(3)(d), a felony of the third (3rd) degree, with CRIMINAL FORFEITURE SPECIFICATION ONE TO COUNT TWO. Said offense occurred on April 11, 2015. Defendant's plea was knowingly, voluntarily and intelligently made with a full understanding of the consequences. Defendant's guilty plea is accepted by the Court and the Court finds the defendant guilty of the above offense.

The Court grants the State's motion and dismisses the remaining charge of POSSESSION OF MARIJUANA, as contained in Count 1 of the Indictment, with CRIMINAL FORFEITURE SPECIFICATION ONE TO COUNT ONE.

The Court inquired if the Defendant had anything further to say why judgment should not be pronounced; and having nothing but what had already been said and showing no good and sufficient cause why judgment should not be pronounced:

IT IS THEREFORE THE ORDER OF THE COURT that the defendant is sentenced to a term of 48 months of community control, with the following sanctions being imposed:

1. Defendant is to report to the Adult Probation Department as directed. Abide by the rules and regulations of said Department and/or the Adult Parole authority. Obey all laws. Refrain from all offensive conduct.
2. Defendant is to pay a \$20.00 per month fee for services rendered by the Adult Probation Department; said monies to be paid to the Summit County Clerk of Courts, Courthouse, 205 South High Street, Akron, Ohio 44308-1662. Defendant is to satisfy restitution in full before any monies can be paid toward supervision fees and costs. The Clerk of Courts shall collect such fees and deposit the monies into the Summit County Probation Services Fund established in the County Treasury
3. Defendant to provide a DNA sample pursuant to Sections 2901.07 and 2152.74 of the Ohio Revised Code.
4. Undergo an assessment for chemical dependency and follow through with any treatment recommendations and aftercare as directed by the Adult Probation Department.
5. Submit to random and regular urinalysis and screening as directed by the Adult Probation Department.
6. Refrain from all alcohol and illegal drug use.

7. Defendant is to pay the costs of this prosecution in regular monthly payments as directed by the Adult Probation Department; and judgment is granted against the Defendant in favor of the County of Summit for the court costs; said monies to be paid to the Summit County Clerk of Courts, Courthouse, 205 South High Street, Akron, Ohio 44308-1662. Pursuant to Ohio Revised Code Section 2947.23, the defendant was further notified of the following: (a) If the defendant fails to pay said judgment or fails to timely make payments towards said judgment under a payment schedule approved by the court, the court may order the defendant to perform community service until the judgment is paid or until the court is satisfied that the defendant is in compliance with the approved payment schedule; and (b) If the court orders the defendant to perform the community service, the defendant will receive credit upon the judgment at the specified hourly credit rate per hour of community service performed, and each hour of community service performed will reduce the judgment by that amount. IT IS FURTHER ORDERED that the Summit County Clerk of Courts shall collect monies from the Defendant in the following order of priority: (1) restitution; (2) court costs and Adult Probation Department fees; (3) fines, if applicable.

The defendant was further notified, pursuant to Section 2929.19(B)(5) of the Ohio Revised Code, that if the conditions of community control sanction are violated, or if the defendant commits a violation of any law, or if the defendant leaves this state without the permission of the court or the defendant's probation officer, the court may: (1) impose a longer time under the same sanction; or, (2) impose a more restrictive sanction; or, (3) impose a prison term of two (2) years.

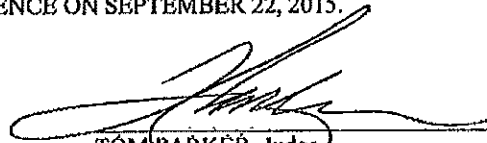
The court further notified the defendant that if required to serve a prison term, defendant may be supervised on post-release control by the Adult Parole Authority for a discretionary period of up to 3 years after being released from prison, as determined by the Adult Parole Authority. If the Defendant is placed on post-release control and violates the terms and conditions of post-release control, the Adult Parole Authority may impose a residential sanction that may include a prison term of up to nine months, and the maximum cumulative prison term for all violations shall not exceed one-half of the stated prison term. If the Defendant pleads guilty to, or is convicted of, a new felony offense while on post-release control, the sentencing court may impose a prison term for the new felony offense as well as an additional consecutive prison term for the post-release control violation of twelve months or whatever time remains on the Defendant's post-release control period, whichever is greater.

The imposition of any fine is WAIVED.

Defendant's driver's license and all driving privileges are SUSPENDED for a definite period of 6 months, which is mandatory and required by statute. The Defendant is granted driving privileges for employment purposes only with proof of car insurance and employment. The Defendant is permitted to drive out of state for employment purposes.

Defendant is ORDERED to report to the Summit County Adult Probation Department FORTHWITH.

COMMUNITY CONTROL IS TO COMMENCE ON SEPTEMBER 22, 2015.



TOM PARKER, Judge
Court of Common Pleas
Summit County, Ohio

/md
cc:

Asst. Prosecutor Pete Daly
Court Operations/Criminal Division
Adult Probation Department
Attorney Paul Adamson
Registrar's Office
OBMV

OHIO CERTIFICATE OF TITLE

STATE OF OHIO No. 77 0657 5750

DEPT. OF REVENUE SUMMIT COUNTY

DESIGNATION NUMBER 510 145 327 271 082 52
OWNER 2107 YANG VANGUARD
ADDRESS 4210 WEST STREETSBOUR ROAD
CITY RICHFIELD OH 44286

SPONSOR VILLAGE OF RICHFIELD
ADDRESS 4210 WEST STREETSBOUR ROAD
CITY RICHFIELD OH 44286

PROPERTY TAXES PAID TO DATE
PROPERTY TAXES PAID TO DATE
PROPERTY TAXES PAID TO DATE

PROPERTY TAXES PAID TO DATE
PROPERTY TAXES PAID TO DATE
PROPERTY TAXES PAID TO DATE

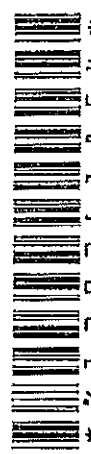
PROPERTY TAXES PAID TO DATE
PROPERTY TAXES PAID TO DATE
PROPERTY TAXES PAID TO DATE

PROPERTY TAXES PAID TO DATE
PROPERTY TAXES PAID TO DATE
PROPERTY TAXES PAID TO DATE

PROPERTY TAXES PAID TO DATE
PROPERTY TAXES PAID TO DATE
PROPERTY TAXES PAID TO DATE

WITNESS MY HAND AND OFFICIAL SEAL THIS DAY OF SEPTEMBER 1954

%130361854



* 1 3 0 3 6 1 8 5 4 *

%130361854

DO NOT ACCEPT TITLE SHOWING ANY ERASURES, ALTERATIONS OR MUTILATIONS.