

Date _____
Resolution Book _____, Page _____

**RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA
ON OCTOBER 8, 2018.**

A motion was made by _____ and seconded by _____ for the adoption of the following Resolution and upon being put to a vote was duly adopted:

WHEREAS, North Carolina General Statutes Section 160A-280 authorizes the City to donate surplus personal property belonging to the City to another governmental unit within the United States pursuant to a Resolution adopted after the posting of a public notice of such Resolution at least five days prior to its adoption; and

WHEREAS, the City of Charlotte owns two (2) motorcycle radios and lighting accessories, which have completed their service life, are surplus property and have been fully depreciated and determined as eligible for retirement and conveyance pursuant to North Carolina law to an eligible governmental unit;

NOW, THEREFORE, BE IT RESOLVED by the Charlotte City Council that:

1. The Chief of the Charlotte-Mecklenburg Police Department or the Chief's designee is hereby authorized to create and execute such documents as may be or become necessary in order to convey full legal ownership of said motorcycle radios and lighting accessories to the Matthews Police Department ("MPD"). MPD shall bear and pay any and all costs or expenses which may be incurred in the transfer of ownership of said motorcycle radios and lighting accessories to MPD.

The City shall donate said motorcycle radios and lighting accessories to MPD only upon the conditions and subject to the execution of covenants by MPD that:

- A. it shall at all times use and maintain the said motorcycle radios and lighting accessories solely for the provision of public services and the pursuit of recognized "public purposes" they perform as a part of their nonprofit activities;
 - B. at such time as it shall deem the motorcycle radios and lighting accessories to be unsuitable for further use, MPD shall dispose of them and shall apply any net proceeds derived from their disposition solely to provide further public services.
2. MPD acknowledges that its representatives have heretofore inspected said motorcycle radios and lighting accessories to its satisfaction. The City shall convey, and MPD shall accept, said motorcycle radios and lighting accessories in "as is" condition, without restriction or limitation, and without warranty of fitness for a particular purpose or other warranty of any kind.
3. Upon and following said conveyance, the City shall thereafter bear no obligation or responsibility of any type or kind relating to the use, maintenance, expense or ownership of said motorcycle radios and lighting accessories, and all such expenses of ownership shall be the sole responsibility of MPD.
4. By executing the contractual "Agreement" of conveyance to be provided by the City, MPD agrees that it has thereupon waived, forgone and forfeited any and all present or future claims against the City arising out of MPD's ownership and use of said motorcycle radios and lighting accessories thereafter.

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the forgoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the ____ day of _____, 2018. The reference having been made in Minute Book _____, and recorded in full in Resolution Book _____, Page(s) _____.

Witness my hand and the corporate seal of the City of Charlotte, North Carolina, this the ____ day of _____, 2018.

Stephanie C. Kelly, City Clerk