

RESOLUTION NO. 2017-066

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, APPROVING THE DISPOSAL OF CERTAIN CITY PROPERTY AND WAIVER OF PUBLIC SALE PURSUANT TO SECTION 2-902 "DISPOSAL OF CITY PROPERTY; WAIVER OF PUBLIC SALE" OF THE CODE OF ORDINANCES OF THE CITY OF HIALEAH, FLORIDA, BY TRANSFERRING TITLE TO T.S. TRADING SYSTEMS, INC., A FLORIDA CORPORATION, AS AN IN-KIND PAYMENT TO SETTLE A LAWSUIT FILED BY T.S. TRADING SYSTEMS, INC. AGAINST THE CITY; AUTHORIZING THE MAYOR AND THE CITY CLERK, AS ATTESTING WITNESS, TO EXECUTE ON BEHALF OF THE CITY OF HIALEAH, FLORIDA, A BILL OF SALE, ANY OTHER DOCUMENTS NECESSARY TO TRANSFER TITLE, AND ANY OTHER USUAL AND CUSTOMARY DOCUMENTS IN FURTHERANCE HEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on April 15, 2013, the City seized 89 gaming machines presumed to be contraband in an investigation into the illegal operation of slot machines; and

WHEREAS, 80 of these machines were owned by T.S. Trading Systems, Inc. and the remaining nine machines were owned by another operator; and

WHEREAS, upon further investigation, the City determined all evidence should be returned to its rightful owner; and

WHEREAS, prior to the return of the machines, the machines were damaged while in storage; and

WHEREAS, T.S. Trading Systems, Inc. and the City have settled the claim for damages to the machines; and

WHEREAS, as part of the settlement, T.S. Trading Systems, Inc. accepted the nine unclaimed machines as in-kind payment; and

WHEREAS, the City has complied with all notice requirements required under Florida Statutes Section 705.103 relating to lost or abandoned property; and

WHEREAS, pursuant to Florida Statutes Sections 705.103(2)(a) and 705.104, the City can elect to keep the nine unclaimed machines and use them for a municipal purpose; and

WHEREAS, the transfer of these nine unclaimed machines to T.S. Trading Systems, Inc. as part of a settlement of its claims against the City is a valid public purpose; and

WHEREAS, the nine unclaimed machines are itemized in the inventory list attached as Exhibit A to this Resolution; and

WHEREAS, the nine unclaimed machines have been appraised at \$1,067.00 each, as reflected in the appraisal report prepared by Martin Claire & Co., LLC dated December 1, 2016 attached as Exhibit B to this Resolution; and

WHEREAS, pursuant to City of Hialeah Code Section 2-902, the requirements of public sale for disposal of city property is hereby waived since the sale at auction would only garner between 30%-50% of the appraised value.

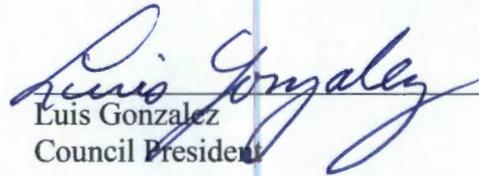
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The City of Hialeah, Florida hereby approves the disposal of city property, as identified in Exhibit A to this Resolution, waives the requirement of public sale pursuant to Hialeah Code Section 2-902 "Disposal of City Property; Waiver of Public Sale" and authorizes the transfer title to T.S. Trading Systems, Inc., a Florida Corporation, as an in-kind payment in the settlement of the lawsuit and claims filed by T.S. Trading Systems, Inc. against the City.

Section 2: The City Council hereby authorizes the Mayor and the City Clerk, as attesting witness, to execute on behalf of the City of Hialeah, Florida, a bill of sale, any other documents necessary to transfer title, and any other usual and customary documents in furtherance hereof.

Section 3: This resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 18 day of September, 2017.

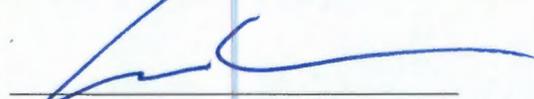

Luis Gonzalez
Council President

Attest:

Approved on this 21 day of September, 2017.

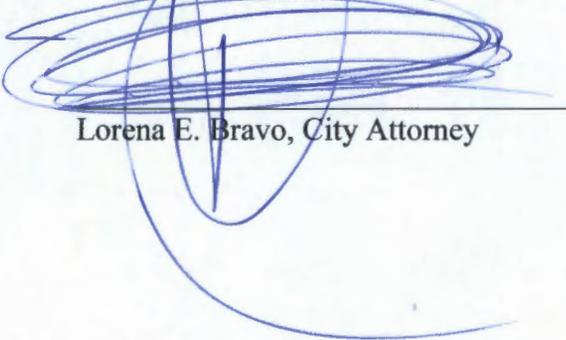


Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



Lorena E. Bravo, City Attorney

Resolution was adopted by a (7-0) unanimous vote with Councilmembers, Caragol, Cue-Fuente, Garcia-Martinez, Hernandez, Gonzalez, Lozano and Casáls-Muñoz voting "Yes".