

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
DECEMBER 4, 2018 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
SURPLUS AND TRANSFER OWNERSHIP 1972 WARD LA FRANCE FIRE TRUCK	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BOB LAUSTEN POLICE CHIEF

**SYNOPSIS**

A resolution has been prepared to declare surplus and authorize transfer of ownership of the donated 1972 Ward La France fire truck.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Approval.

**BACKGROUND**

The 1972 Ward La France Fire Truck was initially purchased by the City of La Vista and later declared surplus and sold. In 2017 Dr. Joel Janssen donated the truck back to the City. The truck has engine issues and is in need of restoration to make it presentable.

Chris McMahon, son of former La Vista Fire Chief Dennis McMahon and grandson of early La Vista builder Kelly McMahon, wants to acquire and restore the donated 1972 Ward La France Fire Truck for exhibition. McMahon will display the truck in Salute to Summer activities and at other special city events.

Declaring this truck surplus and transferring ownership of the truck will ultimately result in the restoration and usefulness of the truck for historical and display purposes.

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO DECLARE SURPLUS AND AUTHORIZE THE TRANSFER OF OWNERSHIP OF THE DONATED 1972 WARD LA FRANCE FIRE TRUCK.

WHEREAS, The Mayor and City Council have determined it necessary declare the donated 1972 Ward La France Fire Truck as surplus; and

WHEREAS, In May of 2017 Dr. Joel Janssen donated a 1972 Ward La France fire truck to the City of La Vista for display purposes; and

WHEREAS, Restoration and repair costs exceed the practical usefulness of the vehicle; and

WHEREAS, Chris McMahon, son of former La Vista Fire Chief Dennis McMahon and grandson of early La Vista builder Kelly McMahon, wants to acquire and restore the donated 1972 Ward La France Fire Truck to display in Salute to Summer activities and at other special city events.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, to declare the donated 1972 Ward La France Fire Truck surplus and authorize transfer of ownership.

PASSED AND APPROVED THIS 4TH DAY OF DECEMBER, 2018.

CITY OF LA VISTA

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

\_\_\_\_\_  
Pamela A. Buethe, CMC  
City Clerk

TRANSFER OF OWNERSHIP AGREEMENT

Motor Vehicle (description): Fire Truck

YEAR: 1972 BODY STYLE Fire Truck

MAKE: Ward La France COLOR: Yellow/White

MODEL: Fire Truck SERIAL #: 80861

The City of La Vista agrees to transfer ownership of the fire truck described above to Chris McMahon. The City of La Vista understands and agrees that all rights, liabilities, and responsibilities of ownership of this fire truck will immediately transfer to Chris McMahon upon execution of this agreement.

The Chris McMahon agrees the City of La Vista has made no verbal or written representations as to the present condition of this fire truck, nor has the City of La Vista provided any express or implied assurances, warranties, or guarantees with regard to any aspect of this fire truck. Chris McMahon further agrees this fire truck is being transferred "as is". Chris McMahon also assumes all risks of property damage and personal injury that may result from the acquisition of this fire truck. Chris McMahon agrees to comply with all licensing, titling, and/or motor vehicle registration requirements that are applicable to Chris McMahon as a result of Chris McMahon's acquisition of this fire truck.

IN CONSIDERATION, CHRIS MCMAHON HEREBY RELEASES THE CITY OF LA VISTA FROM ANY AND ALL CLAIMS OF ANY KIND WHATSOEVER THAT ARE RELATED TO THE CITY OF LA VISTA'S TRANSFER OF THIS FIRE TRUCK. CHRIS MCMAHON FURTHER AGREES TO INDEMNIFY AND HOLD THE CITY OF LA VISTA (INCLUDING ATTORNEY FEES AND COSTS), AGAINST ANY OTHER CLAIM REGARDLESS OF MERIT, THAT ATTEMPTS TO IMPOSE ANY LIABILITY UPON THE CITY OF LA VISTA IN CONJUNCTION WITH THIS FIRE TRUCK.

Right of First Refusal: As a material consideration for the transfer of ownership of the fire truck to Chris McMahon, the City of La Vista is granted the right of first refusal at any time within ten (10) years, the opportunity to re-acquire the fire truck should Chris McMahon decide to sell, lease or otherwise transfer possession the vehicle to a third-party during that period (the "Right of First Refusal"). Chris McMahon agrees to abide by this provision, and understands that, notwithstanding any other terms thereof, it constitutes an integrated and material part of the agreement between Chris McMahon and the City of La Vista.

Chris McMahon agrees to display the fire truck when possible in the annual City of La Vista "Salute to Summer Parade" and select special City activities.

This agreement shall become effective on the date the second of the two parties executes this Agreement below.

City of La Vista

Chris McMahon

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date