



## Legislation Text

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**File #:** ORD-75:2267, **Version:** 1

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AN ORDINANCE TO AMEND ORDINANCE NO. 1249, AN ORDINANCE WHEREBY THE CITY OF JONESBORO OF THE STATE OF ARKANSAS AND THE SOUTHWESTERN BELL TELEPHONE COMPANY, A MISSOURI CORPORATION, AGREE THAT THE TELEPHONE COMPANY SHALL CONTINUE TO OPERATE ITS TELEPHONE SYSTEM AND ALL BUSINESS INCIDENTAL TO OR CONNECTED WITH THE CONDUCTING OF A TELEPHONE BUSINESS AND SYSTEM IN SAID CITY, AND ERECT AND MAINTAIN ITS PLANT CONSTRUCTION AND APPURTENANCES ALONG, ACROSS, ON, OVER, THROUGH, ABOVE AND UNDER ALL PUBLIC STREETS, AVENUES ALLEYS, PUBLIC GROUNDS AND PLACES IN SAID CITY, THAT THE CITY SHALL RECEIVE AN ANNUAL PAYMENT FROM THE TELEPHONE COMPANY, AND REPEALING ALL ORDINANCES AND AGREEMENTS IN CONFLICT HEREWITH

BE IT ORDAINED AND ENACTED by the City Council of the City of Jonesboro, Arkansas, to-wit:

Section 1: Section 2 of Ordinance No. 1249 is amended as follows: The Telephone Company shall pay to the City for the six month period beginning July 1, 1975, and ending December 31, 1975, the sum of \$38,500.00 payable on or before December 31, 1975. The Telephone Company shall pay to the City for the years 1976 and 1977 the sum of \$77,000.00 per annum, payable in semi-annual amounts of \$38,500.00, with payments becoming due on or before June 30 and December 31. This annual amount (77,000.00) and method of payment shall continue through 1977 and thereafter until terminated as provided in Section 9 of this ordinance. However, should the City receive a portion of any sales, income, or payroll taxes imposed by the State or the City upon persons residing or working within the corporate limits of the City, then the aforesaid annual payment shall be reduced in the year following the receipt or such taxing authority or tax payment to the greatest sum which will not result in a pass-on to the Telephone Company's subscribers under aforesaid Docket U-1281; that is, the greatest tax collectible from the Telephone Company without the tax being collectible from telephone subscribers as an addition to the permissible rate for service.

Section 2: Section 9 of Ordinance No. 1249 is amended as follows: The said Telephone Company shall have sixty (60) days from and after its passage and approval to file its written acceptance of this Ordinance with the City Clerk, and upon such acceptance being filed, this Ordinance shall be considered as taking effect and being in force from and after the date of its passage and approval by the Mayor. Subject to the provisions of Section 2 of this Ordinance, this Ordinance shall continue in effects and be in force until terminated by the City or the Telephone Company as of the end of any year after giving one (1) year's written notice of intention to terminate.

Section 3: All Ordinances and/or parts of Ordinances in conflict herewith are hereby repealed.

Section 4: Should any portion of the Ordinance be unconstitutional or invalid so declared by a Court of competent jurisdiction, then the remainder of this ordinance shall not be affected by such partial invalidity.

Section 5: It is found and declared by the City Council that this Ordinance being necessary for the preservation of the public peace health and safety, an emergency is hereby declared to exist and this ordinance shall take effect from and after its passage.

PASSED and ADOPTED this 5<sup>th</sup> day of May, 1975.