



Legislation Text

File #: ORD-71:2473, **Version:** 1

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 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 year beginning January 1, 1971, the sum of \$53,000.00 payable in semi-annual installments of \$26,500.00 the first of such installments being payable on or before June 30, 1971, and the second for the year 1971 payable on or before December 31, 1971; and thereafter in the same manner; up through December 31, 1974. However, should the City receive a portion of any sales, income, or payroll taxed 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 years following the receipt of 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 having herewith filed its written acceptance of this Ordinance with the City Clerk, 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. The City hereby agrees to give one (1) year notice of intention to modify the sums payable in Section 2 hereof. The City further agrees that notice may not be given that could effect a change in sums payable in Section 2 hereof prior to January 1, 1975.

Section 3: All Ordinances and/or parts of Ordinances in conflict herewith are hereby repealed.

Section 4: Should any portion of this Ordinance be unconstitutional or invalid and 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 20th day of December, 1971.