

ORDINANCE NO. 154

AN ORDINANCE AMENDING THE ORDINANCE AGREEMENT BETWEEN SOUTHWESTERN BELL TELEPHONE COMPANY AND THE CITY OF WILLOW PARK, ESTABLISHING THE CONDITIONS UNDER WHICH THE TELEPHONE COMPANY SHALL OPERATE IN THE CITY OF WILLOW PARK AND PROVIDING FOR AN ANNUAL PAYMENT AND THE RIGHT TO USE CERTAIN FACILITIES OF THE TELEPHONE COMPANY.

THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WILLOW PARK, TEXAS:

SECTION I.

That the ordinance passed by the Board of Commissioners of the City of Willow Park on the 16th day of March, A.D. 1964, the caption of which reads as follows:

"AN ORDINANCE WHEREBY THE CITY OF WILLOW PARK, TEXAS, AND THE SOUTHWESTERN BELL TELEPHONE COMPANY AGREE THAT THE TELEPHONE COMPANY SHALL CONTINUE TO ERECT AND MAINTAIN ITS POLES, WIRES, ANCHORS, CABLES, MANHOLES, CONDUITS, AND OTHER PLANT CONSTRUCTION AND APPURTENANCES ALONG, ACROSS ON, OVER, THROUGH, ABOVE AND UNDER ALL PUBLIC STREETS, AVENUES, ALLEYS, PUBLIC GROUNDS AND PLACES IN SAID CITY, UNDER REGULATIONS AND RESTRICTIONS AND THAT THE CITY SHALL RECEIVE AN ANNUAL PAYMENT AND THE RIGHT TO USE CERTAIN FACILITIES OF THE TELEPHONE COMPANY, ALL AS HEREIN PROVIDED:"

shall be amended so that Section 7 of such Ordinance shall hereafter read as follows:

"SECTION 7 - ANNUAL CASH CONSIDERATION TO BE PAID BY THE TELEPHONE COMPANY

To indemnify the City for any and all possible damages to its streets, alleys, and public grounds which may result from the placing and maintenance therein or thereon of the Telephone Company's poles, conduits, or other telephone equipment or apparatus, and to compensate the City for its superintendence of this agreement, and as the cash consideration for the same, the Telephone Company agrees to pay to the City annually during the continuance of the agreement a sum of money equal to four per cent (4%) of the annual gross receipts for the preceding year received by the Telephone Company from the rendition of local

exchange telephone transmission service within the corporate limits of the City that is also within the Fort Worth Metropolitan Exchange. Provided further that the continuance of the agreement a sum of money equal to two per cent (2%) of the annual gross receipts for the preceding year received by the Telephone Company from the rendition of local exchange telephone transmission service within the corporate limits of the City but outside the Fort Worth Metropolitan Exchange boundary. At no time will any payment herein exceed four per cent (4%) of the annual gross receipts for the preceding year received by the Telephone Company for the rendition fo local telephone transmission service within the corporate limits of the City of Willow Park. The first payment hereunder shall be made April 15, 1979, and shall equal in amount four per cent (4-%) of gross receipts received from January 1, 1978, to December 31, 1978. The second payment hereunder shall be made April 15, 1980, and the amount shall be computed four per cent (4%) of gross receipts received within the Fort Worth Metropolitan Exchange and two per cent (2%) of gross receipts received within the remainder of the town limits from January 1, 1979, to December 31, 1979; and thereafter payment shall be made annually on April 15 as herein provided."

SECTION II.

If any section, sentence, clause, or phrase of this ordinance is for any reason held to be illegal, ultra vires or unconstitutional, such invalidity shall not affect validity of the remaining portions of this ordinance. All ordinances and agreements and part of ordinances and agreements in conflict herewith are hereby repealed.

SECTION III.

The Telephone Company shall have sixty (60) days from and after the passage and approval of this ordinance to file its written acceptance thereof with the City Secretary, and upon such acceptance being filed, this ordinance shall take effect after approval by the Mayor and be in force ninety (90) days after the date of its acceptance by the Telephone Company and shall effectuate and make binding the agreement provided by the terms hereof.

Passed and approved this 19th day of February, A.D., 1979.

F. C. Baker
Mayor

ATTEST:

E. W. McGraw
City Clerk