

AN ORDINANCE WHEREBY THE CITY OF ANNETTA SOUTH, TEXAS, AND THE SOUTHWESTERN BELL TELEPHONE COMPANY AGREE TO AMEND ORDINANCE NO. 2 PASSED BY THE CITY OF ANNETTA SOUTH, TEXAS ON JANUARY 10, 1980, TO REVISE SECTION 7 OF SAID ORDINANCE PROVIDING FOR ANNUAL CASH CONSIDERATION TO BE PAID BY SOUTHWESTERN BELL TELEPHONE COMPANY:

WHEREAS, the City of Annetta South, Texas, hereinafter referred to as the "City," and Southwestern Bell Telephone Company, hereinafter referred to as the "Telephone Company," have agreed to revise the annual gross receipts on which the Telephone Company pays a gross receipts fee to the City under Ordinance No. 2 passed by the City of January 10, 1980; and

WHEREAS, the Telephone Company has requested the City to revise the provisions for the payment to the City as prescribed in said section of said ordinance; and

WHEREAS, it is to the advantage of both the City and the Telephone Company that such payment should be revised so as to provide equity in assessments to users of telecommunications within the city limits of the City.

NOW, THEREFORE, BE IT ORDINANCE BY THE BOARD OF ALDERMEN OF THE CITY OF ANNETTA SOUTH, TEXAS, THAT:

SECTION 1 - The provision for payment to the City in Section 7 - Annual Cash Consideration To Be Paid by the Telephone Company shall be revised to read as follows:

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 percent (4%) of the annual gross receipts for the preceding year received by the Company from the rendition of basic local exchange telephone service within the corporate limits of the City. "Basic local exchange telephone service" means the provision by a Telephone Company of an access line and dial tone to a fixed location for sending and receiving telecommunications in the Telephone Company's local exchange network. The total sum of money paid hereunder shall not in any event exceed the amount allowed by the Public Utility Commission of Texas as a reasonable and necessary expense of operation for rate making purposes. The first payment hereunder shall be made April 15, 1991, and shall equal in amount four percent (4%) of the gross receipts received from May 1, 1990 to December 31, 1990; and thereafter payment shall be made annually on April 15 as herein provided.

SECTION 2 - This agreement shall become effective May 1, 1990, and remain in force until the expiration date of gross receipts Ordinance No. 2, passed by the City on January 10, 1980 and herein revised.

SECTION 3 - Other than the language specifically set forth in Sections 1 and 2 of this Ordinance all of the terms of the original agreement between Southwestern Bell Telephone Company and the City of Annetta South, Texas entered into on the 10th day of January, 1980, attached hereto as Exhibit A and incorporated herein for all purposes remain in full force and effect as originally agreed to by the parties.

SECTION 4 - 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 and be in force from and after the date May 1, 1990 and shall effectuate and make binding the agreement provided by the terms hereof.

Passed and approved this *12th* day of *April*, A.D., 1990.



Harry C. Baker
Mayor-Annetta South, Texas

ATTEST:

John S. Styrsky
City Secretary

I, *JOHN S. STYRSKY*, City Secretary of the City of Annetta South, Texas, do hereby certify that the foregoing is a true and correct copy of Ordinance *032*, passed and approved by the City of Annetta South, Texas, at a regular meeting held on the *12th* day of *April*, 1990.

In witness whereof, I hereto set my hand and affix the official seal of the City of Annetta South, Texas this *12th* day of *April*, A.D., 1990.

John S. Styrsky
City Secretary