Out

ORDINANCE NO. 226

An ordinance fixing and establishing the aggregate amount of license fees, charges and special taxes due the City of Atkins from Arkansas Power & Light Company, which amount will be used by the City in lieu of all such taxes excepting ad valorem taxes and automobile licenses, and authorizing rate schedules for street lighting and other municipal uses of electricity and for other purposes.

WHEREAS, the Arkansas Power & Light Company (hereinafter sometimes referred to as the Power Company") is duly authorized by franchise ordinance heretofore enacted to operate an electric distribution system in the City of Atkins, Arkansas, (hereinafter somestimes referred to as City") and said electric distribution system and appurtenances thereto are used in, or incident to, the rendition of electric service to the City of Atkins and theinhabitants thereof residing in said City, and

WHEREAS, The Arkansas Power & Light Company is now occupying the streets and alleys of the City of Atkins for the purpose of operating maintaining and extending its electric service to the City and the inhabitants and consumers residing in said City, and is supplying to the City electris service for street lighting purposes and other municipal uses, and

WHEREAS, the City is entitled to receive such just and reasonable taxes from the Arkansas Power & Light Company which City may lawfully impose and the Company is entitld to receive reasonable payment for services received by City,

NOW THEREFORE, Be it ordained by the Council of the City of Atkins, Arkansas, that:

Section 1. Arkansas Power & Light Company shall pay to the City of Atkins the sum of $880.00 annually, payable quarterly in advance, the first quarterly payment being due on Jan. 1, 1944, date of this Ordinance. It is expressly agreed and understood by the City that said payment shall constitute and be considered as complete payment and discharge by the Power Company of all license fees, [illegible], charges, impositions or taxes (other than automobile license fees, special millage taxes, and the general ad valorem taxes) which are now and might in the future be imposed by the City under authority conferred upon the City by law. The Power Company shall have the privilege of crediting such sums with any unpaid balances due said Power Company for electric service rendered to said City.

Section 2. The City does hereby expressly recognise that contemporary with the effective date of this Ordinance that the Power Company will put in a new rate schedule for street lighting in the City of Atkins, said rate schedule being set forth in Ordinance No. 225. Electricity furnished the City for purposes other than street lighting shall be paid by the City in accordance with the applicable rate schedule of the Power Company now on file and/or as they may in the future be filed by the Power Company and approved by the Department of Public Utilities, State of Arkansas. It is expressly agreed and understood between the City and the Power Company if any licenses, charges, fees, impositions or taxes (other than automobile licenses, special millage taxes and the general ad valorem taxes) be charged, imposed, or levied by the City of Atkins in the future, then in such event the rate schedule for street lighting set forth in Ordinance No. 225 shall terminate and the obligation of the Power Company set forth in Sec. 1 hereof, to pay the City the annual sum of $880.00 shall immediately terminate.

Section 3. Nothing herein contained shall be construed as giving the power company any rights or privileges in addition to those already enjoyed or owned by said Company, nor shall it affect any prior or existing rights of the Power Company to maintain and opertate an electric distribution system within said City.

Section 4. This ordinance shall remain in effect for a term of five (5) years and for successive periods of one year each unless and until cancelled not more than six (6) months nor less than three (3) months prior to the expiration of the original term of any anniversary thereof.

Section 5. All other ordinances, agreements and parts of ordinances and agreements in conflict with the provisions of this ordinance are hereby repealed.

Section 6. Said Power Company shall have thirty (30) days from and after its passage and approval to file its written 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.

Ajproved this 5th day of September, 1944.

Attest:

Turner Hamlet, City Clerk
C. W. Darr, Mayor