

In ordinance whereby the City of St. Mary of the state of Missouri and the Southwestern Bell Telephone Company, a Missouri Corporation agree that the Telephone Co. 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 by the Board of Aldermen of the City of St. Mary of the state of Missouri that:

Section 1. The Southwestern Bell Telephone Company, its successors and assigns (herein referred to as "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 the City of St. Mary, State of Missouri, (herein referred to as "City"). The plant construction and appurtenances used in or incident to the giving of telephone service and to the maintenance of a telephone business and system by the Telephone Company in said city shall remain as now constructed, subject to such changes as may be considered necessary by the City in the exercise of its inherent powers and by the Telephone Company in the conduct of its business, and said Telephone Company shall continue to exercise its right to place, remove, construct and reconstruct, extend and maintain its said plant and appurtenances as the business purposes for which it is or may be incorporated may from time to time require, along, across, on, over, through, above, and under all the public streets, avenues, alleys, and the public grounds and places within the limits of said City as the same from time to time may be established.

Section 2. The Telephone Company shall pay the City the sum of One Hundred Thirty on the first day of January for the period of one year, to December 31, 1922 inclusive, and a like sum annually thereafter for a like period on the first day of each succeeding year until this ordinance is repealed. It being expressly understood that each year term provides for one annual payments; said payments to be in lieu of all other licenses, charges, fees, or impositions (other than the usual general or special ad valorem taxes) which might be imposed by the City under the authority conferred by law, it is further understood that the Telephone Company shall have the privilege of crediting such sums with any unpaid balance due said company for Telephone service rendered or facilities furnished to said City.

Section 3. The Telephone Company on the request of any person shall remove or raise or lower its wires temporarily to permit the moving of houses or other structures. The expense of such temporary removal, raising or lowering of wires shall be paid by the party or parties requesting the same, and the Telephone Company may require such payment in advance. The Telephone Company shall be given not less than forty-eight hours advance notice to arrange for such temporary wire changes.

Section 4. Permission is hereby granted to the Telephone Company to trim trees upon and overhanging streets, alleys, sidewalks and public places of said city so as to prevent the branches of such trees from coming in contact with the wires and cables of the Telephone Company, all the said trimming to be done under the supervision and direction any city official to whom said duties have been or may be delegated.

Section 5. Nothing in this ordinance shall be construed to require or permit any electric light or power wire attachments by the City or for the City. If light or power attachments desired by the City or for the City, then a separate non-contingent agreement shall be prerequisite to such attachments.

Section 6. Nothing herein contained shall be construed as giving to the Telephone Company any exclusive privileges, nor shall it affect any prior or existing rights of the Telephone Company to maintain a telephone system within the city.

Section 7. All other ordinances and agreements and parts of ordinances and agreements relating to the operating of or right to operate a telephone system within said city are hereby repealed.

Approved this 3rd day of June, 1953

ATTYST:

Eugene A. Thorne
City Clerk

L. E. DeLassus
Mayor

STATE OF MISSOURI)
CITY OF _____)
COUNTY OF _____) SS

I, Eugene A. Thorne, City Clerk of the City of St. Marys aforesaid, hereby certify the foregoing two (2) pages constitute and are a true and correct copy of Ordinance No. 244 of the City of St. Marys, Missouri, passed by the City Council of the City of St. Marys on June 3, 1953, and approved by the Mayor of said City of St. Marys, Missouri.

WITNESS my hand and seal this 3rd day of June, 1953.

Eugene A. Thorne
City Clerk