

ARTICLE 11.900 RENTAL FOR USE OF STREETS: NATURAL GAS CORPORATIONS, ETC.

Sec. 11.901 To Pay Rental

Each person, firm or corporation, owning, operating, or maintaining any natural gas plant, pipelines, pipeline facilities, distribution system and other facilities, fixtures and equipment which is located, operated, maintained or used within the corporate limits of the City of Abernathy, Texas, and/or used for the sale and distribution in said corporate limits of natural gas and charging for same, and using in any manner, either on, along, under, over or across, or otherwise any part of any street, alley, highway, easement, park, thoroughfare or other public way or ground within said corporate limits, for locating, placing, erecting, operating, maintaining or using any line, gas line, pipe line, pipe, pole, wire, or other fixture or equipment, shall, from and after the effective date of this article, pay to the said city quarterly each year, a sum of money equal to three per cent (3%) of the gross receipts (as said term "gross receipts" is hereinafter defined) of such person, firm or corporation from the sale and distribution within the corporate limits of said city of natural gas service, which said sum of money and charge is hereby fixed and assessed, and shall be collected, as a reasonable rental and charge for the use of said streets, alleys, highways, easements, parks, thoroughfares or other public ways or grounds, or any part thereof, and such rental and charge is not in excess of a reasonable rental and charge. (1974 Code, Chapter 14, Article 9, Section 14-82)

Sec. 11.902 "Gross Receipts" Defined

The term "gross receipts" is defined as the total gross receipts from the sale of natural gas within said corporate limits, for the particular quarter of year involved. (1974 Code, Chapter 14, Article 9, Section 14-83)

Sec. 11.903 When Payments are Due

The quarterly payments provided for herein shall become due, and shall be collected and paid as follows: The payment for the first quarter of each year (ending March 31) shall be paid on or before the first day of May following; for the second quarter of each year (ending June 30) on or before the first day of August following; for the third quarter of each year (ending September 30) on or before the first day of November following; and for the fourth quarter of each year (ending December 31) on or before the first day of February following. No charges are fixed and no charges shall be paid hereunder on any receipts from the sale of merchandise or any receipts of any character except those derived from sale within said corporate limits of natural gas. (1974 Code, Chapter 14, Article 9, Section 14-84)

Sec. 11.904 Corporation to Furnish Certified Statement

Such person, firm or corporation shall, at the time of making any quarterly payment, furnish to said city a statement, certified by a duly authorized officer or agent, showing the quarterly gross receipts as heretofore defined and the amount of deductions as heretofore provided for. (1974 Code, Chapter 14, Article 9, Section 14-85)

Sec. 11.905 Statement to be Filed

(a) Upon final passage hereof such person, firm or corporation shall file with the city secretary a written statement filed in its name and behalf by a duly authorized officer in substantially the following form:

"The Honorable Mayor and City Council of the City of Abernathy:

"The undersigned, for itself, its successors and assigns, hereby accepts the City's Ordinance No. 159 finally passed by the City Council on the 9th day of October, 1967, and agrees to pay to the City the three per cent charges and rentals on gross receipts from the sale of gas as provided for in the ordinance for

the use of the streets, alleys, highways, easements, parks, thoroughfares and other public ways and grounds or any part thereof within the corporate limits of said City.

\_\_\_\_\_ (Person, firm or corporation)

By \_\_\_\_\_ (Title)

“Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.”

(b) The charges and rentals provided for herein shall become effective on the first day of the payment period provided for in Section 11.903 hereof which next follows the final passage of this article and the acceptance and agreement in writing by any such person, firm or corporation to pay such rentals and charges as provided for in this Section 11.905.

(1974 Code, Chapter 14, Article 9, Section 14-86)