

ORDINANCE NO. 2020-020

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA CONSENTING TO THE GROUND LEASE WITH PTI US TOWERS II, LLC FOR A WIRELESS COMMUNICATIONS FACILITY LOCATED AT GOODLET PARK FOR A PERIOD OF FIVE YEARS, COMMENCING ON MARCH 31, 2020 AND ENDING ON MARCH 30 2025, PROVIDING FOR AN ANNUAL RENTAL OF \$65,100, WITH A 5% ANNUAL INCREASE WITH THREE SUCCESSIVE FIVE-YEAR RENEWALS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Hialeah, Fla., Ordinance 05-12 (Jan. 30, 2005), the City leased a wireless communications facility (the "Communications Facility"), a 100-foot high monopole tower, located at Goodlet Park, for five years to Omnipoint Holdings, Inc., the predecessor in interest to PTI US Towers II, LLC ("PTI"), with three successive five-year renewals, for an annual base rental of \$30,000, with a 5% annual rental increase; and

WHEREAS, the ground lease for the Communications Facility expired March 30, 2020; and

WHEREAS, PTI has requested a new ground lease to maintain its tower-lease owned by City of Hialeah on the ground upon which it's Communication Facility is located; and

WHEREAS, City of Hialeah desires to enter into a new ground lease (the "Ground Lease") with PTI for an initial period of 5 years, with the opportunity for three additional 5 year renewals; and

WHEREAS, the starting rent for the Ground Lease is \$65,100.00 with a revenue sharing provision for additional rent on two new collating antennas and includes an annual 5% rental escalator; and

WHEREAS, the Ground Lease also provides for a onetime payment to the City of \$15,000 to provide for beautification at the site.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The Mayor and the City Council of the City of Hialeah, Florida hereby consent to the Ground Lease requested by PTI located at Goodlet Park for a period of five years commencing on March 31, 2020 and ending on March 30, 2025, providing for a beginning rent of \$61,500 with an annual 5% percent rental increase, and authorize the Mayor or his designee to execute the Ground Lease attached as Exhibit "1", and all necessary covenants in the City Clerk as attesting witnesses on behalf of the City.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as

abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

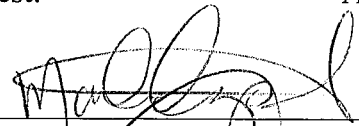
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

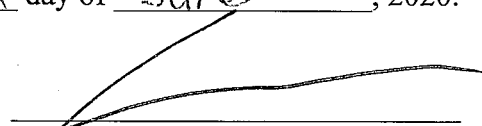
PASSED AND ADOPTED this 9 day of June, 2020.


Paul B. Hernandez
Council President

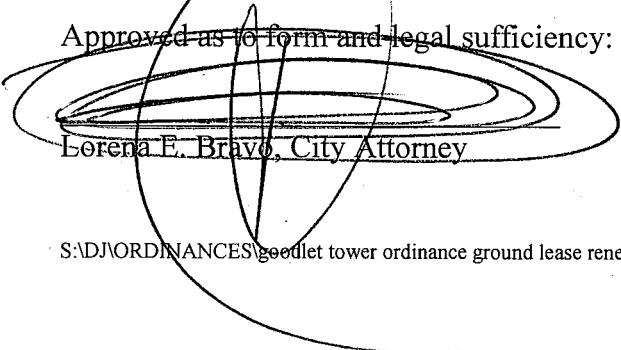
Attest:

Approved on this 18 day of June, 2020.


Marbelys Fajó, City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


Lorena E. Bravo, City Attorney

Ordinance was adopted by a 7-0 vote with Councilmembers, Cue-Fuente, De la Rosa, Garcia-Roves, Hernandez, Perez, Tundidor and Zogby, voting "Yes".