



OFFICE OF THE CITY ATTORNEY  
RAUL J. AGUILA, CITY ATTORNEY

**To:** Commissioner Ricky Arriola, Chair  
Members of the Finance and Citywide Projects Committee

**From:** Raul J. Aguila, City Attorney

**Date:** October 13, 2017

**Subject:** **Special Assessment Districts for Utility Undergrounding**

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In response to the Finance and Citywide Projects ("FCWP") Committee's request, the City Attorney's Office has prepared the attached draft questionnaire for the Committee's review at its meeting on October 13, 2017.

[DRAFT LETTER]

[Date]

Dear Resident or Business Owner:

In the aftermath of Hurricane Irma, a number of City residents have expressed the desire that the City explore the undergrounding of utilities along Alton Road between Michigan Avenue and 41st Street; Alton Road between 41st Street and 63rd Street; and North Bay Road between 44th Street and 64th Street/Pine Tree Drive Circle.

In an effort to assist the City with our efforts, please kindly take a minute to complete the following non-binding questionnaire and return it to City staff in the attached self-addressed stamped envelope.

Thank you for your participation.

Jimmy L. Morales  
City Manager

**NON-BINDING QUESTIONNAIRE RE:  
UNDERGROUNDING OF UTILITIES**

Please answer each question by marking each response with an "X". Please mark only one response to each question.

1. Are you in favor of undergrounding utilities<sup>1</sup> in your neighborhood?

\_\_\_\_\_ **Yes**

\_\_\_\_\_ **No**

2. If you answered yes to Question No. 1, are you in favor of funding the undergrounding of utilities through a special assessment<sup>2</sup> on your property?

\_\_\_\_\_ **No; I am not in favor of funding the undergrounding of utilities through special assessments.**

\_\_\_\_\_ **Yes; I am in favor of a special assessment on my property to fund the cost of undergrounding utilities.**

\_\_\_\_\_ **Yes; I am in favor of a special assessment on my property, but only if the City contributes general funds to pay for a portion of the project.**

3. How time-sensitive or urgent do you feel is the creation of a special assessment district to fund the undergrounding of utilities?

\_\_\_\_\_ **Very urgent; the City should begin the process of creating a special assessment district immediately.**

\_\_\_\_\_ **Urgent; but I am willing to wait a few years until the City studies the issue further.**

\_\_\_\_\_ **Not urgent.**

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<sup>1</sup> Whenever overhead utilities are relocated underground, regardless of how the project is funded, individual property owners are responsible for coordinating and paying to connect their properties to the underground utilities.

<sup>2</sup> A special assessment is a charge assessed against a property because that property derives some special benefit from the expenditure of the money, which benefit is (1) public and not private, and (2) special to the property rather than general to the community.

4. If City funding were not available until a later date, are you in favor of funding the entire project with special assessments?

\_\_\_\_\_ **Yes; I would like the City to proceed with the project immediately, even if the entire project is funded with special assessments.**

\_\_\_\_\_ **No; I would prefer to wait until City funding is available to fund a portion of the project.**

\_\_\_\_\_ **No; if no City funding will become available, I would prefer that the City not pursue undergrounding utilities at all.**

5. Please check one of the following responses:

\_\_\_\_\_ **I am a Miami Beach resident and I own a home on Miami Beach.**

\_\_\_\_\_ **I am a Miami Beach resident and I rent a home on Miami Beach.**

\_\_\_\_\_ **I am a Miami Beach business owner.**

<p><b>PLEASE RETURN THIS QUESTIONNAIRE TO THE CITY IN THE ATTACHED SELF-ADDRESSED STAMPED ENVELOPE.</b></p>
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