

Green Light for Miami Developer

DEVELOPMENT | REAL ESTATE | REAL PROPERTY LITIGATION | TITLE INSURANCE | AUGUST 15, 2018



Dane R. Blunt



Scott D. Feather



Christopher Smart

Carlton Fields defended real estate developer Apeiron Miami, LLC in litigation brought to prevent our client from maintaining, operating, and developing its own property. Apeiron purchased the 14 acre property, in the Miami-area Jockey Club condominium complex, in 2014, with plans to develop it. In 2016, two existing Jockey Club condominium associations sought to block development, filing two lawsuits against Apeiron in Florida state court. Plaintiffs argued that development would violate agreements they made with the complex's original owner in 1977 and 1995.

Following a five-day bench trial, the court ruled that these agreements had either been extinguished by Florida's Marketable Record Title Act or did not preclude future development or Apeiron's assumption of maintenance. Although this ruling eliminated obstacles, it also required our client to secure the associations' approval for its development and was unclear as to whether Apeiron could develop on the land where tennis courts that the associations had come to think of as theirs were located. To resolve these issues, we filed a motion for rehearing, which the court then granted amending its final judgment to indicate that Apeiron did not need the residents' approval for its development and clarifying that Apeiron could build where the tennis courts were located. As a result, Apeiron was able to proceed with its planned, innovative development project, which includes 240 luxurious residential condominiums, a 90-room boutique hotel, and a 51-slip yacht marina.

©2020 Carlton Fields, P.A. Carlton Fields practices law in California through Carlton Fields, LLP. Carlton Fields publications should not be construed as legal advice on any specific facts or circumstances. The contents are intended for general information and educational purposes only, and should not be relied on as if it were advice about a particular fact situation. The distribution of this publication is not intended to create, and receipt of it does not constitute, an attorney-client relationship with Carlton Fields. This publication may not be quoted or referred to in any other publication or proceeding without the prior written consent of the firm, to be given or withheld at our discretion. To request reprint permission for any of our publications, please use our Contact Us form via the link below. The views set forth herein are the personal views of the author and do not necessarily reflect those of the firm. This site may contain hypertext links to information created and maintained by other entities. Carlton Fields does not control or guarantee the accuracy or completeness of this outside information, nor is the inclusion of a link to be intended as an endorsement of those outside sites.