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EMINENT DOMAIN - FLORIDA

Homestead Land Group, LLC v. City of Homestead

District Court of Appeal of Florida, Third District - June 3, 2015 - So.3d - 40 Fla. L. Weekly D1325

Purchaser of land, a portion of which had been acquired by city via eminent domain proceedings just prior to purchase, filed an objection to a proposed entry of final judgment in the eminent domain proceedings and filed an answer to city's eminent domain petition requesting a jury trial on valuation. The Circuit Court denied relief to purchaser. Purchaser appealed.

The District Court of Appeal held that purchaser had no legal interest in the land at the time city acquired a portion of it.

Purchaser of land had no legal interest in the land at time city acquired a portion of it through eminent domain, and thus purchaser, after acquiring the land, could not contest valuation of the portion taken by city, even though vendor had assigned to purchaser its rights in the taken portion and its interest in the eminent domain proceedings. At time of the taking, vendor only had rights to the property via a reversionary clause, pursuant to which title reverted to vendor if owner could not obtain zoning for new church, but neither purchaser nor vendor were able to show that owner had not secured zoning or that it could not have done so in the future, and vendor never attempted to exercise its right to the property, so that the reversionary interest never matured.