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REAL PROPERTY CONVEYANCE - FLORIDA

1000 Brickell, Ltd. v. City of Miami

District Court of Appeal of Florida, Third District - June 8, 2022 - So.3d - 2022 WL 2062512

Grantor, a company through which real property owner deeded property to city, brought action against city, alleging that, because city allowed property to be used by a restaurant rather than as a park, property reverted back to grantor under automatic-reverter clause in deed conveying the property.

The Circuit Court granted city's motion for summary judgment. Grantor appealed.

The District Court of Appeal held that conveyance-to-government statutory exception from statute voiding reverter provisions in deeds conveying real estate after 21 years applied.

Conveyance-to-government statutory exception from statute voiding reverter provisions in deeds conveying real estate after 21 years, as opposed to statute imposing time restriction on challenges of dedications of land to municipalities of 30 years after recordation, applied in action asserting that property that was deeded to city reverted back to grantor under automatic-reverter clause stating that property would revert if it was used for any purpose other than public-park purposes; deed conveying the property was a fee simple determinable estate subject to the automatic-reverter clause, not a dedication.

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