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Ruling Clears Path For Nov. 3 Vote On Miami Marina Project

By **Nate Beck**

Law360 (August 20, 2026, 7:55 PM EDT) -- A Florida state judge has declined to block a November voter referendum on a developer's proposed \$80 million overhaul of a city-owned Miami marina site in a July lawsuit aiming to invalidate the deal brought by the marina's operator.

Miami-Dade County Circuit Judge Lisa Walsh in a Sunday order denied an expedited motion for preliminary injunction to block the ballot question from Rickenbacker Marina, its affiliate Biscayne Marine Partners and Adam Gersten, who owns a restaurant on the marina site. Rickenbacker has run the city-owned site since 1983 under a lease that expired in 2016.

The July 1 lawsuit against the city of Miami sought to block a court-ordered referendum vote on a 2017 development plan for the property won through competitive bidding by Virginia Key LLC, a joint venture of Miami Beach's RCI Group and Suntex Marinas of Dallas.

Judge Walsh on Sunday rejected the plaintiffs' claims that ballot language for the development approved by the Miami City Commission in June is misleading or otherwise improper, allowing the question to proceed.

"For various reasons, including bid protests and the actions of prior city commissioners, this [request for proposal] has been tied up in administrative and legal battles for more than seven years," Judge Walsh said. "Given that the referendum's language is not clearly and conclusively defective, the court recognizes that continued delay in putting the referendum to a vote at the upcoming general election would not serve the public interest."

In a 2023 decision later upheld on appeal, Miami-Dade County Judge Alan Fine found the Miami City Commission wrongly interfered in bid results that favored Virginia Key's development plan, which it first offered in 2017. The ruling directed the city to approve the project if voters favored the development in a referendum.

Judge Fine in the decision found city officials repeatedly rejected bid results favoring Virginia Key. Commissioners also sought a charter amendment through an ultimately unsuccessful voter referendum in 2021 so that the city could award a contract to the site's holdover tenant, Rickenbacker, without any competitive bidding. A state appeals court upheld Judge Fine's ruling in 2024.

The November ballot question asks voters to consider the deal to provide Virginia Key with a 45-year lease that includes two 15-year extension options on the 28-acre waterfront property. The plan would provide the city with a minimum guaranteed annual rent of \$2.2 million, plus 6% of gross revenues, along with about \$80 million in private investment.

Virginia Key would also develop features such as boat storage, restaurants, retail and public parking in an "environmentally sensitive manner," according to the question.

Although the City Commission in June advanced the ballot question unanimously, some members expressed frustration with Virginia Key's proposal.

"It's a 10-year-old deal," Commissioner Miguel Angel Gabela said during the meeting. "I think it's bad for us."

The Rickenbacker plaintiffs, meanwhile, argued in their July 1 complaint that Virginia Key's proposed development wouldn't compensate the city for fair market value of the property, as required by the Florida Constitution and city charter. The defendants are due to file motions to dismiss the case by Aug. 26, according to a joint status report filed Wednesday. A proposed trial would be set for September 2027.

"Plaintiffs look forward to proving in court that this 75-year lease is 30% and many millions of dollars below fair market value," plaintiffs' counsel Jason S. Koslowe and Maria A. Fehretdinov said in a joint statement Thursday. "Armed with those facts, few voters will approve this bad deal at the November general election."

In a Wednesday statement, Virginia Key praised Judge Walsh's ruling allowing the referendum vote to proceed.

"For too long, the current operator has fought to preserve the status quo to its own benefit. Today, the residents of Miami won," Robert W. Christoph Jr., president of RCI Group, said in the statement. "This lawsuit was another attempt to stand in the way of change and deny Miami residents the opportunity to decide the future of property that belongs to them."

The defendants did not immediately respond to messages seeking comment Wednesday.

The plaintiffs are represented by Andrew E. Stearns, Maria A. Fehretdinov and Jason S. Koslowe of Stearns Weaver Miller Weissler Alhadeff & Sitterson PA.

Virginia Key is represented by Kenneth J. Duvall, Melissa C. Pallet-Vasquez and Matthew W. Tieman of Bilzin Sumberg Baena Price & Axelrod LLP.

The Miami-Dade County Supervisor of Elections is represented by Oren Rosenthal of the Miami-Dade County Attorney's Office.

The city is represented by George K. Wysong, Kevin R. Jones and Eric J. Eves of the Office of the City Attorney and Kendall B. Coffey, Daniel F. Blonsky and Scott A. Hiaasen of Coffey Burlington PL.

The case is Rickenbacker Marina et al. v. City of Miami et al., case number 2026-013392-CA-01, in Miami-Dade County Circuit Court.

--Editing by Janice Carter Brown.