

Terra's Eighty Seven Park construction next to Champlain Towers South led to collapse, lawsuit alleges

87 Park team used "most disruptive and most dangerous" methods when building condo next door, lawsuit alleges

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The Eighty Seven Park development team ignored warnings about the damage the tower's construction was causing to the Champlain Towers South feet away, leading to the deadly Surfside condominium collapse, a new lawsuit alleges.

The complaint alleges that [Eighty Seven Park developer](#) Terra, led by David Martin, and its team of contractors and engineers pushed forward with building the luxury condominium "for the sake of greed, speed, or, most likely, both," despite recommendations about safer methods from its own engineer, according to the suit. It states that the defendants' "negligence and gross negligence" caused the tragedy.

The 169-page complaint, filed in Miami-Dade Circuit Court Tuesday night, is against affiliates of Terra and its team of contractors and engineers that worked on Eighty Seven Park, including general contractor John Moriarty &

Associates of Florida. The suit, which seeks class action status, was filed on behalf of survivors, those who died and their families.

“The manner in which Terra Group developed this was the direct and proximate cause of the collapse,” attorney Harley Tropin, who represents victims, said at a Wednesday morning court conference on collapse litigation, adding that Champlain was already fragile. “Terra knew about the risks and then proceeded.”

Statements from attorneys representing 8701 Collins Development, the Terra-led entity that completed the luxury condo tower three years ago, “categorically” deny the allegations in the complaint and shift blame to others.

“As numerous media reports have documented, Champlain Towers South was improperly designed, poorly constructed, significantly underfunded, and inadequately maintained and repaired,” Greenberg Traurig attorney David Weinstein, who represents 8701 Collins Development, said in a statement.

In a statement, a spokesperson for John Moriarty & Associates of Florida echoed that, saying that Eighty Seven Park’s construction had no effect on Champlain. “The work was completed two years before the collapse and more than four to five years after the earthwork was completed,” the statement said.

The 18-story Eighty Seven Park, at 8701 Collins Avenue in Miami Beach, was completed in 2019 just south of Champlain Towers South. The 12-story Champlain in Surfside [collapsed](#) in the early morning on June 24, killing nearly 100 people.

Eighty Seven Park’s geotechnical engineer and project inspector had prepared a report warning of impacts to nearby buildings like Champlain Towers South, and outlined how work should be done to comply with regulations. The report also provided several construction methods, including those that would minimize effects to nearby buildings.

However, the team repeatedly defaulted to the cheapest yet “most disruptive and most dangerous” site preparation methods, according to the complaint. It alleges that they “sloped their project so that water poured” into Champlain Towers South and “corroded its structural supports.”

Read more:

- [Before Surfside tragedy, neighboring tower faced opposition, delays over construction impact](#)
- [Surfside collapse mediation hits standoff, as rival sides dig in heels on disbursements](#)
- [From Dubai to Surfside: Inside Damac's plans to redevelop the tragic site](#)

In one instance, they chose to use a more conventional method of basement excavation by driving in sheet piles, even though the development inspector report warned of the “damaging vibrations” to nearby buildings and outlined other methods that could be used that did not create vibrations, the suit says. Some of these alternative methods were costlier and would have taken longer, according to the complaint.

Although the initial plan was to monitor the vibrations from sheet piling all the time, this eventually changed, and the vibrations ended up being surveilled only some of the time, the suit alleges. According to an inspector report cited in the complaint, sheet pile installation near the south Champlain foundation wall exceeded industry standards for vibrations of 0.5 inches per second for almost the entirety of the work.

Weinstein responded in his statement that the vibrations were “well below the maximum threshold for safe vibrations levels” for residential structures.

The statement from John Moriarty & Associates’ spokesperson added that permanent sheet piles were installed in the south wall of Champlain when it was constructed, preventing any impacts from work done at the site to its north.

“The collapse of the tower is a terrible tragedy, but the facts speak for themselves. Champlain Towers South suffered from a long history of inherent design flaws, substandard construction methods, and inadequate maintenance,” John Moriarty & Associates said.

During Eighty Seven Park's construction, Champlain residents had complained about "daily tremors" in their homes and elsewhere in their building in a letter to Terra. But the developer instead chose to lawyer-up and tried to "buy their way out of liability" by offering \$200,000 in 2019, according to the complaint. That offer was then increased to \$400,000, the Washington Post previously reported, but the association did not take it.

Terra's Martin told his development team in a March 2019 email to not allow complaints from nearby residents to stall his project construction, according to the complaint. Martin allegedly wrote: "Keep moving the job forward. If there are any issues with city, call my cell. The city will help us, they want us to finish. Do not let any neighbor delay us."

Terra bought the site of its Eighty Seven Park in 2013 for \$65 million, with the plan to renovate and preserve the Dezerland Hotel there and add a condo building. This plan changed, and Terra obtained city zoning approval for its new tower instead.

The complaint alleges that Terra also engaged in "secret negotiation" to buy 87th Terrace, the 50-foot road separating the two properties, allowing Eighty Seven Park's developers to expand their footprint closer to Champlain Towers South and increase their project's density. The Terra-led entity took control of the street through an agreement with the city of Miami Beach that provided the city with a voluntary \$10.5 million payment. The complaint alleges there was "nothing 'voluntary' about the payment."

Without 87th Terrace, Eighty Seven Park would have been built 60 to 70 feet from Champlain Towers, but it ended up being 10 feet from the Champlain exterior foundation wall and support columns, the suit says.

The lawsuit was also filed against the Champlain Towers South Condominium Association and [Morabito Consultants](#), the association-hired engineer charged with inspecting the property's structural integrity as part of the required 40-year certification, as well as against the association's law firm Becker & Poliakoff.

[Becker & Poliakoff](#) and Morabito did not immediately return requests for comment.