

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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CITY OF ANN ARBOR,

Plaintiff-Appellant,

v

REGENTS OF THE UNIVERSITY OF  
MICHIGAN,

Defendant-Appellee.

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UNPUBLISHED

July 1, 1997

No. 197238

Washtenaw Circuit

LC No. 94-015527-CM

Before: Gribbs, P.J., and Sawyer and Young, JJ.

PER CURIAM.

Plaintiff City of Ann Arbor appeals as of right from an order granting summary disposition to defendant Regents of the University of Michigan regarding plaintiff's complaint alleging entitlement to indemnity and/or contribution from defendant regarding a premises liability lawsuit (a separate action) filed by a third party against plaintiff. The trial court found the area where the third party fell, a sidewalk, to be under plaintiff's, and not defendant's, control. Alternately, the trial court found that the sidewalk was not integral to the Student Union building and, thus, not within the public building exception to governmental immunity. We affirm.

Plaintiff claims that the trial court erred in granting summary disposition to defendant on the court's finding that the sidewalk was under plaintiff's, and not defendant's, control. We disagree.

On appeal we review a trial court's grant of summary disposition de novo. *Pinckney Community Schools v Continental Casualty Co*, 213 Mich App 521, 525; 540 NW2d 748 (1995).

It is clear on the facts before us that the third party fell because of an uneven sidewalk. The third party did not allege, and plaintiff does not contend, that there is any defect in the stairs themselves but only in a piece of the walkway at the bottom of the stairs.

By statute, the state has no duty to repair or to maintain sidewalks. MCL 691.1402(1); MSA 3.996(102)(1). Defendant, a public university, falls within the definition of the "state." MCL 691.1401(c); MSA 3.996(101)(c). "The duty to maintain and repair sidewalks and

crosswalks falls on local governments, including cities, villages, and townships.” *Chaney v Dep’t of Transportation*, 447 Mich 145, 172; 523 NW2d 762 (1994). Thus, the trial court properly determined that the responsibility for maintaining this sidewalk, and the liability, if any, for failing to maintain it, fell on plaintiff, not defendant.

Plaintiff’s argument based upon its city charter, which purportedly delegates responsibility to defendant to maintain the sidewalk, contrary to state law, is unpersuasive. *Bivens v Grand Rapids*, 443 Mich 391, 397; 505 NW2d 239 (1993).

Because we find that the trial court properly granted summary disposition to defendant on the court’s finding that the sidewalk was under plaintiff’s, and not defendant’s, control, we need not reach plaintiff’s second argument challenging the propriety of the trial court’s alternate basis for its ruling.

Affirmed.

/s/ Roman S. Gribbs

/s/ David H. Sawyer

/s/ Robert P. Young, Jr.