

STATE OF MICHIGAN  
COURT OF APPEALS

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OLIVE OUELLETTE,

Plaintiff-Appellant/Cross-Appellee,

v

COUNTY OF WAYNE,

Defendant-Appellee/Cross-Appellant.

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UNPUBLISHED

June 23, 1998

No. 199028

Wayne Circuit Court

LC No. 95-505067 NO

Before: Sawyer, P.J., and Bandstra and J. B. Sullivan\*, JJ.

MEMORANDUM.

Plaintiff appeals as of right from an order granting defendant's motion for summary disposition pursuant to MCR 2.116(C)(7). We affirm.

Plaintiff fell at Detroit's Metropolitan Airport due to the uneven condition of the roadway she was crossing and was severely injured. She claims that defendant was negligent in failing to safely and properly design, install, and maintain the roadway.

On appeal, plaintiff contends that the trial court erred in granting defendant's motion and in finding that the only duty defendant owed plaintiff was to keep the road safe for vehicular travel. We disagree. This Court reviews de novo the trial court's grant or denial of a motion for summary disposition. *Borman v State Farm Fire & Casualty Co*, 198 Mich App 675, 678; 499 NW2d 419 (1993). When reviewing a motion for summary disposition pursuant to MCR 2.116(C)(7), this Court must accept as true the nonmoving party's well-pleaded allegations and construe them in the light most favorable to that party. *In re Beglinger Trust*, 221 Mich App 273, 275; 561 NW2d 130 (1997). The motion should not be granted unless no factual development could provide a basis for recovery. *Id.* at 275-276.

Governmental agencies are statutorily immune from tort liability while engaging in a governmental function, except for activities that fall within one of the narrowly drawn exceptions. MCL 691.1407; MSA 3.996(107); *Mason v Wayne Co Bd of Comm'rs*, 447 Mich 130, 134; 523 NW2d 791

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\* Former Court of Appeals judge, sitting on the Court of Appeals by assignment.

(1994). The highway exception to governmental immunity requires only that a road be maintained “in reasonable repair so that it is reasonably safe and convenient for public travel.” MCL 691.1402; MSA 3.996(102); see also *Wechsler v Wayne Co Road Comm*, 215 Mich App 579, 594; 546 NW2d 690 (1996). This Court has found that the appropriate test is whether the defect in the road is unreasonably dangerous to a vehicle. *Roux v Dep’t of Transportation*, 169 Mich App 582, 586; 426 NW2d 714 (1988).

Plaintiff failed to offer any documentary evidence to show that the uneven condition of the road made it unreasonably dangerous to a vehicle. Therefore, she has failed to show that defendant breached its duty to maintain Rogell Drive “in reasonable repair so that it is reasonably safe and convenient for public travel,” as required by MCL 691.1402; MSA 3.996(102). Thus, the trial court properly granted defendant’s motion for summary disposition.

Having concluded that the trial court properly granted summary disposition, it is unnecessary for us to consider defendant’s issues on cross appeal.

Affirmed.

/s/ David H. Sawyer  
/s/ Richard A. Bandstra  
/s/ Joseph B. Sullivan