

STATE OF MICHIGAN
COURT OF APPEALS

JODI ALLEN,

Plaintiff/Counter Defendant-
Appellee,

v

CITY OF LAINGSBURG,

Defendant/Counter Plaintiff/Third
Party Plaintiff-Appellant,

and

SHIAWASSEE COUNTY DRAIN
COMMISSIONER,

Defendant,

and

CARRIE ALLEN, LARRY EAKIN, BRIDGET
EAKIN, ROBERT HURST, and JAYNE HURST,

Third Party Defendants.

Before: Cavanagh, P.J., and Fitzgerald and Shapiro, JJ.

SHAPIRO, J. (*concurring*).

I concur with the majority's conclusion that tort immunity does not shield a governmental entity from a claim of inverse condemnation. Such a claim requires an allegation, and ultimately proof, that defendant took affirmative actions directly aimed at the plaintiff's property. After reviewing the complaint, I do not believe plaintiff has alleged actions *directly aimed* at plaintiff's property. However, I would affirm the denial of summary disposition and remand to allow plaintiff to amend his complaint in order to properly plead such an action.

/s/ Douglas B. Shapiro