

STATE OF MICHIGAN  
COURT OF APPEALS

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TRAVERSE AGGREGATE, INC.,

Plaintiff-Appellant,

v

KASSON TOWNSHIP, KASSON TOWNSHIP  
BOARD, KASSON TOWNSHIP PLANNING  
COMMISSION,

Defendants-Appellees.

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UNPUBLISHED

December 13, 1996

No. 189519

LC No. 94-3439 NZ

Before: Young, P.J., and O'Connell and W.J. Nykamp,\* JJ.

MEMORANDUM.

Plaintiff appeals as of right the order granting summary disposition in favor of defendants. The court concluded that plaintiff's claim was not yet ripe for review because defendant governmental entities had not yet issued a final decision concerning plaintiff's application for a special use permit. We affirm.

Plaintiff argues that the court erred in concluding that a document containing the following language was not a final decision: "These are *some* of the requirements that *would* be incorporated in the site plan and permit" (emphasis supplied). The conditional approval of a building plan does not, in and of itself, constitute the final decision of a governmental entity. *Electro-Tech, Inc v H F Campbell Co*, 433 Mich 57; 445 NW2d 61 (1989). Here, the document in question does not even rise to the level of a conditional approval. Considering the pertinent documentary evidence, *Patterson v Kleiman*, 447 Mich 429, 434; 526 NW2d 879 (1994), we are confident that it would be impossible to support plaintiff's claims at trial. *SSC Associates v General Retirement System*, 192 Mich App 360, 365; 480 NW2d 275 (1991), after remand 210 Mich App 449; 534 NW2d 160 (1995). Accordingly, summary disposition was appropriate.

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

Affirmed.

/s/ Robert P. Young  
/s/ Peter D. O'Connell  
/s/ Wesley J. Nykamp