

STATE OF MICHIGAN
COURT OF APPEALS

SHAUNDRA BOARD, a minor, by her next friend
YVETTE WILBURN,

UNPUBLISHED
December 4, 1998

Plaintiff-Appellant,

v

No. 205870
Wayne Circuit Court
LC No. 96-600423 NO

CITY OF HIGHLAND PARK,

Defendant-Appellee.

Before: Sawyer, P.J., and Wahls and Hoekstra, JJ.

MEMORANDUM.

Plaintiff appeals by right the trial court order granting defendant's motion for summary disposition under MCR 2.116(C)(10) on governmental immunity grounds. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Shaundra Board was injured when her thumb became stuck in a defective guardrail on a slide. The slide was attached to a structure made up of bars, and shaped like a rocket. Plaintiff alleged that the structure was a building, and that this action came within the public building exception to governmental immunity, MCL 691.1406; MSA 3.996(106). The trial court found that the structure did not constitute a building, and granted defendant's motion for summary disposition.

A five-part test determines whether the public building exception governs a particular case. *Jackson v Detroit*, 449 Mich 420, 428; 537 NW2d 151 (1995). To fall within the confines of the exception, a plaintiff must prove that (1) a governmental agency is involved, (2) the public building in question is open for use by members of the public, (3) a dangerous condition of the building itself exists, (4) the governmental agency had actual or constructive knowledge of the alleged defect, and (5) the governmental agency failed to remedy the alleged defect after a reasonable time period. *Id.*

In *Ali v Detroit*, 218 Mich App 581, 584; 554 NW2d 384 (1996), this Court observed that the term building was not defined in the statute, and it employed two dictionary definitions of the term. A building is a relatively permanent boxlike construction having a roof and used for any of a wide variety

of activities. *Id.* Alternatively, a building is a structure designed for habitation, shelter, storage, trade, manufacturing, religion, business, education and the like. *Id.*

The trial court did not err in finding that the structure does not constitute a building. The edifice appears to be nothing more than a slide attached to monkey bars, apparently giving the fanciful shape of a rocketship. A slide by itself in a public park does not constitute a public building. See *Jolly v City of St Clair*, 428 Mich 860; 400 NW2d 597 (1987); *Freedman v Oak Park*, 170 Mich App 349, 353; 427 NW2d 557 (1988).

Affirmed.

/s/ David H. Sawyer

/s/ Myron H. Wahls

/s/ Joel P. Hoekstra