

STATE OF MICHIGAN  
COURT OF APPEALS

---

PAULINE DELORES LANCE,

Plaintiff-Appellant,

v

LANSING COMMUNITY COLLEGE  
FOUNDATION,

Defendant/Third-Party Plaintiff  
-Appellee,

and

CITY BUILDING MAINTENANCE

Third-Party Defendant

---

UNPUBLISHED

January 8, 1999

No. 201201

Ingham Circuit Court

LC No. 96-082299 NO

Before: Saad, P.J., and Kelly and Bandstra, JJ.

PER CURIAM.

In this personal injury action, plaintiff appeals by right from a trial court order granting summary disposition in favor of defendant based on the public building exception, MCL 691.1406; MSA 3.996(106), to the governmental immunity act, MCL 691.1401 *et seq.*; MSA 3.996(101) *et seq.* We affirm.

Plaintiff first argues that the trial court erred in finding that the public building exception did not apply to her claim. However, plaintiff testified that she slipped and fell on ice located on the tarmac next to defendant's Aviation Center Building, which she did not see because one of defendant's employees had turned off the outside lighting. The public building exception is limited to dangers actually presented by defects in the building itself, and does not apply to areas outside the building, such as sidewalks. *Horace v City of Pontiac*, 456 Mich 744, 766-767; 575 NW2d 762 (1998); *Henkey v City of Grand Rapids*, 440 Mich 867; 485 NW2d 487 (1992). Furthermore, the negligent supervision of those responsible for the activation of the outside lighting does not give rise to a claim under the public building exception. *Reardon v Dep't of Mental Health*, 430 Mich 398, 417; 424 NW2d 248 (1988).

Therefore, because plaintiff does not allege that a defect in the building itself caused her injury, plaintiff is not entitled to maintain an action against defendant for negligence.

Plaintiff also contends that the trial court improperly refused to allow her to amend her complaint to allege that the public building exception to governmental immunity would provide a basis for relief. We acknowledge that a trial court should freely grant a plaintiff leave to amend her pleadings when justice so requires. *Weymers v Khera*, 454 Mich 639,658; 563 NW2d 647 (1997). However, under the facts in the instant case, plaintiff's proposed amendment would be futile. Plaintiff has already testified that she did not fall within a public building, but approximately fifteen to twenty-five steps away on the tarmac. As we said, the public building exception applies only to defects in the building itself. *Horrace, supra* at 766-767. Therefore, the trial court did not err in refusing to allow plaintiff to amend her complaint. *Early Detection Center, PC v New York Life Ins Co*, 157 Mich App 618, 625;403 NW2d 830 (1986).

We note that plaintiff has also raised the issue of whether defendant's affirmative defense -- that a natural accumulation of ice presented an open and obvious danger -- would preclude relief for plaintiff. As we hold that the trial court properly found that defendant's governmental immunity defense precluded relief for plaintiff, we need not review this issue. *Adam v Sylvan Glynn Golf Course*, 197 Mich App 95, 98 (1992).

Affirmed.

/s/ William Henry Saad  
/s/ Michael J. Kelly  
/s/ Richard A. Bandstra