

GOLDBERG COMPANIES, INC., TRUSTEE, APPELLANT, v. COUNCIL OF THE CITY OF
RICHMOND HEIGHTS, APPELLEE.

[Cite as *Goldberg Cos., Inc. v. Richmond Hts. City Council* (1997), ____
Ohio St.3d ____.]

Appeal dismissed as improvidently allowed.

(No. 96-84 -- Submitted April 16, 1997 -- Decided June 18, 1997.)

APPEAL from the Court of Appeals for Cuyahoga County, Nos. 68291
and 68292.

*Kahn, Kleinman, Yanowitz & Arnson Co., L.P.A., Sheldon Berns and
Benjamin J. Ockner, for appellant.*

*R. Todd Hunt, Director of Law; Walter & Haverfield, P.L.L., and
Frederick W. Whatley, for appellee.*

*John E. Gotherman and Malcolm C. Douglas, urging affirmance for
amici curiae, Ohio Municipal League and Ohio Municipal Attorneys
Association.*

*Terrence L. Brennan, urging affirmance for amicus curiae, Cuyahoga
County Law Directors Association.*

The appeal is dismissed, *sua sponte*, as having been improvidently allowed.

MOYER, C.J., RESNICK, F.E. SWEENEY and LUNDBERG STRATTON, JJ., concur.

DOUGLAS, J., dissents.

PFEIFER and COOK, JJ., dissent and would reverse the judgment of the court of appeals.