

STATE OF MICHIGAN
COURT OF APPEALS

CHESTER PELLAND and MARY PELLAND,

Plaintiffs-Appellants,

v

HOUGHTON COUNTY BOARD OF ROAD
COMMISSIONERS,

Defendant-Appellee,

and

GARY O'CONNELL and RITA U. O'CONNELL,

Defendants.

UNPUBLISHED
September 6, 1996

No. 196713
LC No. 92-008222-NI
ON REMAND

Before: Griffin, P.J., and Sawyer and Murphy,* JJ.

MEMORANDUM.

By order of the Supreme Court, this case has been remanded for reconsideration in light of *Pick v Szymczak*, 451 Mich 607; 548 NW2d 603 (1996). Previously, this Court affirmed the trial court's order of partial summary disposition in favor of defendant road commission based on the now overruled opinion *Pick v Gratiot Co Rd Comm*, 203 Mich App 138; 511 NW2d 694 (1993), rev'd 451 Mich 607; 548 NW2d 603 (1996).

On reconsideration, we conclude that the present case is controlled by the Supreme Court's holding in *Pick v Szymczak*. In *Pick*, *supra* at 624, the Supreme Court expressly held "that a duty is imposed on governmental agencies to provide traffic control devices or warning signs at, or in regard to, points of hazards affecting roadways within their jurisdiction."

*On remand, Judge Murphy has been substituted for Recorder's Court Judge R. L. Ziolkowski.

Reversed and remanded for further proceedings consistent with this opinion. We do not retain jurisdiction.

/s/ Richard Allen Griffin

/s/ David H. Sawyer

/s/ William B. Murphy