

STATE OF MICHIGAN
COURT OF APPEALS

DOROTHY JORDAN, Personal Representative of the
Estate of JESSE LEO JORDAN, Deceased,

UNPUBLISHED
July 15, 1997

Plaintiff-Appellant,

v

No. 194305
Monroe Circuit Court
LC No. 95-003340 NI

AUBINS SERVICE, INC., and DAVID YORK,

Defendant-Appellees,

and

CHARLES K. SMELCER,

Defendant.

Before: Cavanagh, P.J., and Doctoroff and D.A. Teeple*, JJ.

MEMORANDUM.

Plaintiff appeals by right summary disposition in favor of appellees on grounds of lack of actionable duty. This case is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff cites numerous cases, none of which is very much on point. Cases such as *Langen v Rushton*, 138 Mich App 672; 360 NW2d 270 (1984), involve liability based on structures or landscaping which create visual obstacles which interfere with passing traffic on a public way. In the case at bar, there is nothing to suggest that anything about defendants' business created visual obstructions for motorists on Telegraph Road, or for pedestrians crossing Telegraph Road, nor is there a suggestion of a purpresture or encroachment which interfered with either vehicular or pedestrian traffic, thereby creating a hazard to one or both. Plaintiff has cited no authority to establish that a business enterprise must provide sufficient parking on the same side of the street as its principal premises sufficient to accommodate all foreseeable crowds of customers.

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

Appellees owed no duty to plaintiff to make Telegraph Road, or the ability of pedestrians to cross Telegraph Road, safe or safer. Only the governmental authority having jurisdiction over that portion of Telegraph Road has such duties. *Berman v LaRose*, 16 Mich App 55; 167 NW2d 471 (1969).

Affirmed.

/s/ Mark J. Cavanagh
/s/ Martin M. Doctoroff
/s/ Donald A. Teeple