

STATE OF MICHIGAN
COURT OF APPEALS

DOUGLAS W. BRIGGS,

Plaintiff-Appellant,

v

CITY OF FLINT,

Defendant-Appellee.

UNPUBLISHED
October 10, 1997

No. 195920
Genesee Circuit Court
LC No. 93-023915 NO

Before: Doctoroff, P.J., and Cavanagh and Saad, J.J.

MEMORANDUM.

Plaintiff appeals by right summary disposition in this premises liability action, in which plaintiff seeks recompense for personal injuries sustained while sledding on defendant's municipal golf course. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff's arguments on appeal focus on the Recreational Users Act, MCL 300.201; MSA 13.1485. After the date on which any viable cause of action arose, that statute was repealed and replaced by the mostly equivalent provisions of MCL 324.73301; MSA 13A.73301, 1994 PA 451, §90106 and 1995 PA 58, §1. Without deciding the issue, this Court notes only that it is doubtful that the recreational users statute applies at all to a golf course, since the RUA does not apply to lands having significant artificial conditions created by the intervention of human action on the landscape. *Cypret v Lea*, 173 Mich App 222; 433 NW2d 413 (1988).

In any event, summary disposition was properly granted on the basis of governmental immunity. Plaintiff has identified no applicable exception to governmental immunity, which would trump any liability that might otherwise arise under the Recreational Users Act. *Ballard v Township of Ypsilanti*, 216 Mich App 545, 550; 549 NW2d 885 (1996). Government agencies are generally immune from premises liability actions arising from recreational lands, even when a fee is charged for admission. *Bessler v Huron-Clinton Metro Authority*, 180 Mich App 397; 447 NW2d 811 (1989); *Schiller v Muskegon State Park*, 153 Mich App 472; 395 NW2d 75 (1986).

Affirmed.

/s/ Martin M. Doctoroff

/s/ Mark J. Cavanagh

/s/ Henry W. Saad