

# Order

Michigan Supreme Court  
Lansing, Michigan

April 21, 2006

Clifford W. Taylor,  
Chief Justice

129884

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

SHARON REID and MARK REID,  
Plaintiffs-Appellants,

v

SC: 129884  
COA: 254449  
Wayne CC: 02-235159-CZ

CITY OF DETROIT,  
Defendant-Appellee.

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On order of the Court, the application for leave to appeal the October 4, 2005 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

MARKMAN, J., concurs and states as follows:

I concur in the decision to deny leave to appeal on the basis that plaintiffs' claims are barred by governmental immunity, see MCL 691.1407(1); *Pohutski v City of Allen Park*, 465 Mich 675 (2002), and do not meet the requirements of a compensable taking, see *Hinojosa v Dep't of Natural Resources*, 263 Mich App 537 (2004), lv den 472 Mich 943 (2005).

I write separately to bring to the Legislature's attention that this is at least the third recent case in which property owners in Detroit have suffered losses of their property because of negligent maintenance of an adjacent property owned by the city. See also *Farmers Ins Group v Dep't of Natural Resources* (Docket No. 128893), lv den 469 Mich 1055 (2006); and *Farm Bureau Insurance v Detroit* (Docket No. 129631), lv pending. I urge the Legislature to consider whether, in view of current governmental immunity and takings law in Michigan, further legal remedies are warranted for property owners in these circumstances.

CAVANAGH and KELLY, JJ., would grant leave to appeal.



p0418

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 21, 2006

*Corbin R. Davis*

Clerk