

Bond Case Briefs

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Ex parte City of Millbrook

Supreme Court of Alabama - March 6, 2020 - So.3d - 2020 WL 1071325

Civic center patron who fell on a sidewalk at the end of a ramped walkway leading from the front of the civic center to the parking lot brought negligence action against city based on allegation that city failed to maintain, repair, or design the sidewalk to ensure its safety for pedestrian traffic.

The Circuit Court denied city's motion for summary judgment. City petitioned for a writ of mandamus.

The Supreme Court held that city failed to establish that the civic center facilitated the recreational use of land.

City failed to establish that civic center facilitated the recreational use of land, as required for civic center to fall within the definition of "outdoor recreational land" given in recreational-use statutes limiting liability for non-commercial public recreational use of land, and thus city was not entitled to mandamus relief from the denial of its motion for summary judgment in negligence action by civic center patron who fell on a sidewalk at the end of a ramped walkway leading from the front of the civic center to the parking lot; city's mandamus petition included no discussion of the relationship of the civic center to the surrounding land or how the civic center facilitated the recreational use of that land.