

[Cite as *Sidell v. Ohio Dept. of Transp.*, 2005-Ohio-3529.]

IN THE COURT OF CLAIMS OF OHIO

VICKY SIDELL	:	
Plaintiff	:	
v.	:	CASE NO. 2005-03601-AD
OHIO DEPARTMENT OF TRANSPORTATION	:	<u>ENTRY OF DISMISSAL</u>
Defendant	:	

: : : : : : : : : : : : : : : :

{¶ 1} On March 4, 2005, plaintiff filed a complaint against defendant, Department of Transportation. Plaintiff alleges on February 6, 2005, at approximately 3:45 p.m. while traveling northbound on State Route 7 approaching the Lincoln Avenue exit, she struck a pothole which caused damage to her vehicle's tire. Plaintiff seeks reimbursement for two tires and a wheel alignment which amounted to \$477.44. Plaintiff submitted the filing fee with the complaint.

{¶ 2} On April 15, 2005, defendant filed a motion to dismiss. In support of the motion to dismiss, defendant stated in pertinent part:

{¶ 3} "Defendant has performed an investigation of this section of Route 7, and it falls under the maintenance jurisdiction of The City of Steubenville (See Exhibit B)."

{¶ 4} Plaintiff has not responded to defendant's motion to dismiss. The site of plaintiff's incident was within the city limits of Steubenville.

{¶ 5} R.C. 5501.31 in pertinent part states:

{¶ 6} "Except in the case of maintaining, repairing, erecting traffic signs on, or pavement marking of state highways within villages, which is mandatory as required by section 5521.01 of the Revised Code, and except as provided in the section 5501.49 of the Revised Code, no duty of constructing, reconstructing, widening, resurfacing, maintaining, or repairing state highways within municipal corporations, or the bridges or culverts thereon, shall attach or to rest upon the director . . ."

{¶ 7} The site of the damage-causing incident was not the maintenance responsibility of defendant. Consequently, plaintiff's case is dismissed.

{¶ 8} Having considered all the evidence in the claim file and, for the reasons set forth above, defendant's motion to dismiss is GRANTED. Plaintiff's case is DISMISSED. The court shall absorb the court costs of this case. The clerk shall serve upon all parties notice of this entry of dismissal and its date of entry upon the journal.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

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Case No. 2005-03601-AD

-2-

ENTRY

Columbus, Ohio 43223

DRB/laa

5/24

Filed 6/17/05

Sent to S.C. reporter 7/8/05