IN THE COURT OF CLAIMS OF OHIO

JOYCE D. KOSLOFF :

Plaintiff :

v. : CASE NO. 2003-02217-AD

DEPARTMENT OF TRANSPORTATION : ENTRY OF DISMISSAL

Defendant :

- $\{\P1\}$ THE COURT FINDS THAT:
- {¶2} 1) On February 6, 2003, plaintiff, Joyce D. Kosloff, filed a complaint against defendant, Department of Transportation. Plaintiff alleges on December 14, 2002, her car was damaged when she struck a large rock lying in the right southbound lane of State Route 11, approximately 1.5 miles north of the Logan Avenue exit to Mingo Junction. Plaintiff seeks damages in the amount of \$538.18 for replacement of a wheel and \$25.00 for reimbursement of the filing fee which she submitted with the complaint;
 - {¶3} 2) On March 21, 2003, defendant filed a motion to dismiss;
 - {¶4} 3) In support of the motion to dismiss, defendant stated in pertinent part:

"State Route 7, about 1.5 miles north of the Logan Avenue exit to Mingo Junction, falls under the maintenance jurisdiction of the City of Steubenville . . . As such, this section of roadway is not within the maintenance jurisdiction of the defendant. The south corporation limit of Steubenville is at MP 14.78, therefore, plaintiff stuck the rock inside the corporation limit of Steubenville where ODOT does not have maintenance responsibility.";

- {¶5} 4) Plaintiff did not file a response to defendant's motion to dismiss.
- {¶6} THE COURT CONCLUDES THAT:
- $\{\P7\}$ 1) R.C. 5501.31 in pertinent part states:

"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 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 and culverts thereon, shall attach to or rest upon the director . . .";

- {¶8} 2) The roadway where plaintiff's incident occurred was not within the maintenance responsibility of defendant.
 - {¶9} IT IS ORDERED THAT:
 - {¶10} 1) Defendant's motion to dismiss is GRANTED;
 - {¶11} 2) Plaintiff's case is DISMISSED;
- $\{\P 12\}$ 3) The court shall absorb the court costs of this case in excess of the filing fee.

DANIEL R. BORCHERT Deputy Clerk

Entry cc:

Joyce D. Kosloff Plaintiff, Pro se 2910 Narrows Road Perry, Ohio 44081-9593

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For Defendant

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