

[Cite as *Williams v. Ohio Dept. of Transp.*, 2003-Ohio-4494.]

IN THE COURT OF CLAIMS OF OHIO

FREDERICK J. WILLIAMS :

Plaintiff :

v. :

CASE NO. 2003-06239-AD

DEPT. OF TRANSPORTATION :

ENTRY OF DISMISSAL

Defendant :

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{¶1} THE COURT FINDS THAT:

{¶2} 1) On May 11, 2003, plaintiff, Frederick J. Williams, allegedly sustained property damage to his vehicle while traveling west to east on Lazelle Road at Flint Road, when he struck a pothole in the traveled portion of the roadway. As a result, plaintiff claims to have incurred automotive repair costs and seeks reimbursement in the amount of \$1,727.80 from defendant. Plaintiff submitted the filing fee with the complaint;

{¶3} 2) On June 20, 2003, defendant filed a motion to dismiss;

{¶4} 3) In support of the motion to dismiss, defendant stated in pertinent part:

{¶5} “Defendant asserts it is not responsible for the maintenance of the roadway where the alleged hole was located, since Lazelle and Flint Roads fall under the maintenance jurisdiction of the City of Columbus . . . As such, this section of roadway is not within the maintenance jurisdiction of the defendant.”;

{¶6} 4) Plaintiff has not responded to defendant’s motion to dismiss.

{¶7} THE COURT CONCLUDES THAT:

{¶8} 1) R.C. 5501.31 in pertinent part states:

{¶9} “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, but he may construct, reconstruct, widen, resurface, maintain, and repair the same with or without the cooperation of any municipal corporation, or with or without the cooperation of boards of county commissioners upon each municipal corporation consenting thereto.”;

{¶10} 2) The roadway where plaintiff’s incident occurred was not within the maintenance responsibility of defendant.

{¶11} IT IS ORDERED THAT:

{¶12} Defendant’s motion to dismiss is GRANTED. Plaintiff’s case is DISMISSED. The court shall absorb the costs of this case. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

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Plaintiff, Pro se

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ENTRY

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