

[Cite as *Rodgers v. Ohio Dept. of Transp.*, 2004-Ohio-3273.]

IN THE COURT OF CLAIMS OF OHIO

JULIE A. RODGERS :
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 Plaintiff :
 :
 v. : CASE NO. 2004-04604-AD
 :
 OHIO DEPARTMENT OF : ENTRY OF DISMISSAL
 TRANSPORTATION :
 :
 Defendant :
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{¶1} On April 14, 2004, plaintiff filed a complaint against defendant, Department of Transportation. Plaintiff alleges on February 19, 2004, she exited the parking lot at 2045 Polaris Parkway, in Columbus, Ohio. While traveling westbound on Polaris Parkway prior to the entrance to Interstate 71 southbound, she heard a loud pop and pulled over to investigate. She proceeded to the nearest Goodyear Tire Center where it was discovered a 10" rod had damaged her vehicle's tire. Plaintiff seeks reimbursement from defendant in the amount of \$203.66 for a new tire resulting from defendant's negligence in allowing debris on the roadway. Plaintiff submitted the filing fee and also seeks reimbursement for this amount.

{¶2} On April 23, 2004, defendant filed a motion to dismiss. In support of the motion to dismiss, defendant in pertinent part stated:

{¶3} "Defendant has performed an investigation of this site and 2045 Polaris Parkway is by Orion Place. This section of Polaris

Parkway or SR 750 by Orion Place falls under the maintenance jurisdiction of the City of Columbus (See Attached Map). As such, this section of roadway is not within the maintenance jurisdiction of defendant."

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

{¶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 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 . . ."

{¶7} The site of the damage-causing incident was not within 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 ths 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:

Julie A. Rodgers
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Plaintiff, Pro se

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For Defendant

DRB/laa
5/12
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