

Court of Claims of Ohio

The Ohio Judicial Center
65 South Front Street, Third Floor
Columbus, OH 43215
614.387.9800 or 1.800.824.8263
www.cco.state.oh.us

BEULAH WILLIAMS

Plaintiff

v.

DEPARTMENT OF
TRANSPORTATION

Defendant

Case No. 2007-05571-AD

Deputy Clerk Daniel R. Borchert

ENTRY OF DISMISSAL

{¶1} On June 8, 2007, plaintiff, Beulah Williams, filed a complaint against defendant, Department of Transportation. Plaintiff alleges on February 24, 2007, at approximately 9:45 p.m., plaintiff was traveling northbound on Broadway just before St. John's Hospital, when she struck a pothole in the traveled portion of the roadway. Plaintiff seeks damages in the amount of \$395.13, for a tire and rim, which she asserts was caused by defendant's negligence in maintaining the roadway. Plaintiff submitted the filing fee with the complaint.

{¶2} On July 6, 2007, defendant filed a motion to dismiss. In support of the motion to dismiss, defendant stated in pertinent part:

{¶3} "Defendant called Plaintiff Williams to get a better location and she stated that she was by Fligners Meat Market and it has an address of 1854 N. Broadway and this falls under the maintenance jurisdiction of the City of Lorain. Plaintiff mentions in her claim that she was northbound on Broadway before you get to St. Joseph's Hospital and this area is within the limits of the City of Lorain. (See Exhibit A) Broadway is also known as SR 57 but ODOT does not maintain SR 57 until Southview High School. As such, this section of roadway is not within the maintenance jurisdiction of the defendant . . ."

{¶4} Plaintiff has not responded to defendant's motion to dismiss. The site of

the damage-causing incident was located in the City of Lorain.

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

{¶16} “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 . . .”

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

{¶18} 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.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

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DRB/laa
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