

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

CHRIS NEADING

Plaintiff

v.

OHIO DEPARTMENT OF TRANSPORTATION, DISTRICT 4

Defendant

Case No. 2009-02197-AD

Deputy Clerk Daniel R. Borchert

ENTRY OF DISMISSAL

{¶ 1} On February 10, 2009, plaintiff, Chris Neading, filed a complaint against defendant, Department of Transportation. Plaintiff alleges on February 1, 2009 at approximately noon, he was traveling southbound on State Route 8 in Macedonia, Ohio, just north of State Route 82, when his vehicle struck a pothole. Plaintiff seeks damages in the amount of \$152.00, for a replacement tire as the result of defendant's negligence in maintaining the roadway. On March 16, 2009, plaintiff submitted the filing fee.

{¶ 2} On April 16, 2009, 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 site and SR 8 at SR 82 falls under the maintenance jurisdiction of the City of Macedonia. (See map) 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 Macedonia.

{¶ 5} Ohio Revised Code Section 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 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.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

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DRB/laa
5/19
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