

[Cite as *Kostrá v. Ohio Dept. of Natural Resources*, 2016-Ohio-798.]

GLORIA J. KOSTRA

Plaintiff

v.

OHIO DEPARTMENT OF NATURAL  
RESOURCES

Defendant

Case No. 2015-00798-AD

Clerk Mark H. Reed

MEMORANDUM DECISION

{¶1} On September 14, 2015, Gloria Kostra (hereinafter “plaintiff”) filed a complaint in this Court against the Ohio Department of Natural Resources (hereinafter “ODNR”). A review of the pleadings and supporting documents reveals the following facts:

{¶2} The plaintiff owns property adjacent to the Portage Lakes State Park in Summit County. On August 6, 2015, a storm damaged a cherry tree on plaintiff’s property, which then fell into the Iron Channel of the Portage Lakes creating a hazardous condition for boaters in the area. To remedy the situation, plaintiff contacted Barberton Tree Service of Norton, Ohio to have them remove the tree. Barberton did so at a cost \$1,800, which was billed to the plaintiff. Plaintiff now seeks to have ODNR pay the costs of the tree removal on the theory that since the tree landed on ODNR’s property, it is thus their responsibility to keep the state waterways safe for marine travel, and not the legal obligation of a private citizen.

{¶3} The plaintiff’s argument, while well-reasoned, is not consistent with the law. As the owner of the tree, she was solely responsible for the maintenance of the tree, which would include the costs of the removal of the tree should it fall on another persons’ property. Merely because the property in this case belongs to ODNR, does not relieve the plaintiff from her responsibility under the law. Surely, if the tree fell onto the property of an adjoining homeowner, the plaintiff would not argue that the

**IN THE COURT OF CLAIMS OF OHIO**

homeowner would be responsible for the costs of removing her tree. The same law that would prevail in the case where the property owner is a private citizen applies here as well.

{¶4} Based on the foregoing, the plaintiff's claim must be dismissed.

**IN THE COURT OF CLAIMS OF OHIO**

GLORIA J. KOSTRA

Plaintiff

v.

OHIO DEPARTMENT OF NATURAL  
RESOURCES

Defendant

Case No. 2015-00798-AD

Clerk Mark H. Reed

ENTRY OF ADMINISTRATIVE  
DETERMINATION

---

Having considered all the evidence in the claim file, and for the reasons set forth in the memorandum decision filed concurrently herewith, judgment is rendered in favor of defendant. Court costs are assessed against plaintiff.

---

MARK H. REED  
Clerk

cc:

Gloria J. Kostra  
309 Guys Run Road  
Akron, Ohio 44319

Charles G. Rowan  
Ohio Department of Natural Resources  
2045 Morse Road, D-3  
Columbus, Ohio 43229-6693