[Cite as *Tetz v. Ohio Dept. of Transp.*, 2003-Ohio-2275.]

IN THE COURT OF CLAIMS OF OHIO

JOHN A. TETZ	:	
Plaintiff	:	
v.	:	CASE NO. 2003-03345-AD
OHIO DEPARTMENT OF TRANSPORTATION	:	ENTRY OF DISMISSAL
Defendant	:	

: : : : : : : : : : : : : : : : :

{¶1} THE COURT FINDS THAT:

{¶2} 1) On March 11, 2003, plaintiff, John A. Tetz, filed a complaint against defendant, Department of Transportation. Plaintiff alleges on February 27, 2003, while driving north on State Route 315 near the OSU/Lane Avenue exit, he struck a pothole. Plaintiff asserts he sustained tire damage and needed a wheel alignment. Consequently, he submitted damages in the amount of $154.89 plus reimbursement of the $25.00 filing fee which he submitted with the complaint;

{¶3} 2) On March 11, 2003, defendant filed a motion to dismiss;

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

{¶5} "Defendant asserts that 315 south of Bethel Road falls under the maintenance jurisdiction of the City of Columbus. The Lane Avenue Exit on 315 is south of Bethel Road. 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, 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, no duty of construction, reconstruction, widening, resurfacing, maintaining, or repairing state highways within municipal corporations, or the bridges and culverts thereon, shall attach to or rest upon the director. * * * ;"

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

{¶11} IT IS ORDERED THAT:

{¶12} 1) Defendant's motion to dismiss is GRANTED;

{¶13} 2) Plaintiff's case is DISMISSED;

{¶14} 3) The court shall absorb the court costs of this case, in excess of the filing fee.

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DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

John A. Tetz Plaintiff, Pro se
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4/17
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