

[Cite as *Devereaux v. Ohio Dept. of Transp.*, 2004-Ohio-2095.]

IN THE COURT OF CLAIMS OF OHIO

ERICA DEVEREAUX :  
Plaintiff :  
v. : CASE NO. 2004-01745-AD  
DEPARTMENT OF TRANSPORTATION : ENTRY OF DISMISSAL  
Defendant :

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{¶1} On January 27, 2004, plaintiff filed a complaint against defendant, Department of Transportation. Plaintiff alleges on November 30, 2003, while driving south on State Route 57 at Chestnut Ridge Road she struck a pothole in the traveled portion of the roadway. She sustained \$705.61 in damage to her vehicle which she asserts should be the responsibility of the defendant. Plaintiff submitted the filing fee with the complaint.

{¶2} On March 16, 2004, defendant filed a motion to dismiss. In support of the motion to dismiss, defendant stated in pertinent part: "State Route 57 on U.S. 20, at Chestnut Ridge Road, falls under the maintenance jurisdiction of the City of Elyria (See Exhibit A). This particular location is also the corporation limit and the dividing line north of the intersection is the City's jurisdiction and the south belongs to the State. As such, this section of the roadway is not within the maintenance jurisdiction of defendant."

{¶3} Plaintiff has not responded to defendant's motion to dismiss.

{¶4} The site of plaintiff's incident was within the city of Elyria. R.C. 5501.31 in pertinent part states:

{¶5} "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 . . ."

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

{¶7} 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. The clerk shall serve upon all parties notice of this entry of dismissal and its date of entry upon the journal.

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DANIEL R. BORCHERT  
Deputy Clerk

Entry cc:

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Plaintiff, Pro se

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ENTRY

3/31  
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