

[Cite as *Chapman v. Ohio Dept. of Transp.*, 2004-Ohio-3661.]

IN THE COURT OF CLAIMS OF OHIO

CRYSTAL CHAPMAN	:	
Plaintiff	:	
v.	:	CASE NO. 2004-04698-AD
OHIO DEPARTMENT OF TRANSPORTATION	:	<u>ENTRY OF DISMISSAL</u>
Defendant	:	
	:	

{¶1} On April 15, 2004, plaintiff filed a complaint against defendant, Department of Transportation. Plaintiff alleges she was driving on Northfield Road going toward Chagrin Boulevard when she struck a pothole in front of the entrance to the cemetery. Plaintiff seeks reimbursement for automotive repair costs in the amount of \$492.95 from the defendant. Plaintiff submitted the filing fee with the complaint.

{¶2} On May 4, 2004, defendant filed a motion to dismiss. In support of the motion to dismiss, defendant in pertinent part stated:

{¶3} "Defendant has performed an investigation of this site and Northfield Road @ Chagrin Blvd falls under the maintenance jurisdiction of the City of Shaker Heights (See Attached Map). As such, this section of roadway is not within the maintenance jurisdiction of defendant."

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

{¶5} The site of plaintiff's incident was within the city limits of Shaker Heights.

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

{¶7} "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. . ."

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

{¶9} 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:

Crystal Chapman  
5568 Perkins Road  
Bedford Hts., Ohio 44146

Plaintiff, Pro se

Thomas P. Pannett, P.E.

For Defendant

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ENTRY

Assistant Legal Counsel  
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