

plaintiff which shows a vehicle between the edge of the roadway and the white pavement line. Power lines crossing roadways are required to be at least 15'15" in height. The duty to maintain and monitor this clearance is the jurisdiction responsible for issuing the areal permits. In this case, permits in this section of roadway are issued by Olmstead [F]alls Township, thus ODOT has no jurisdiction to issue, monitor, regulate, or maintain the areal [sic] permits.

{¶ 5} "As such, the utility lines which must have been hanging to low are not within the maintenance jurisdiction of the defendant."

{¶ 6} Plaintiffs have not responded to defendant's motion to dismiss.

{¶ 7} Defendant has no duty to maintain the power lines in the area of the damage-causing incident. That duty rests with Olmsted Falls Township and the utility carrier involved. Accordingly, defendant had no responsibility with respect to the height or maintenance of the power lines in the area. Consequently, plaintiffs 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. Plaintiffs' case is DISMISSED. The court shall absorb the court costs of this case. The court shall serve upon all parties notice of this entry of dismissal and its date of entry upon the journal.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

Willis Conn
Gina Conn
7157 Columbia Road
Olmsted Falls, Ohio 44138

Plaintiffs, Pro se

Thomas P. Pannett, P.E.
Assistant Legal Counsel
Department of Transportation
1980 West Broad Street
Columbus, Ohio 43223

For Defendant

DRB/laa
1/25
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