

Court of Claims of Ohio

The Ohio Judicial Center
65 South Front Street, Third Floor
Columbus, OH 43215
614.387.9800 or 1.800.824.8263
www.cco.state.oh.us

DAISY L. BRIDGEMAN

Plaintiff

v.

DEPARTMENT OF
TRANSPORTATION

Defendant

Case No. 2006-01807-AD

Deputy Clerk Daniel R. Borchert

ENTRY OF DISMISSAL

{¶ 1} On February 7, 2006, plaintiff, Daisy L. Bridgeman, filed a complaint against defendant, Ohio Department of Transportation (“ODOT”), alleging that she sustained property damage to her scooter when she was traveling on West 25th Street and got on the overpass ramp. The scooter flipped over because the sidewalk was broken up. She claims to have incurred automotive repair costs in the amount of \$500.00 and seeks reimbursement of these costs from the defendant.

{¶ 2} On July 21, 2006, defendant filed a motion to dismiss. Defendant asserted that plaintiff’s claim should be dismissed because ODOT is not the proper defendant in this case. In support of the motion to dismiss, defendant in pertinent part stated: “Defendant performed an investigation of this site and W. 25th Street falls under the maintenance jurisdiction of the City of Cleveland (See Attached Map and Exhibits A & B).” Defendant included a map, and several photos, as well as a certified copy of Ordinance No. 57-73 to prove the lack of maintenance jurisdiction over the area of the incident. The site of plaintiff’s incident was within the maintenance jurisdiction of the City of Cleveland.

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{¶ 3} Ohio Revised Code Section 723.01 in pertinent part states:

{¶ 4} “Municipal corporations shall have special power to regulate the use of the streets. Except as provided in section 5501.49 of the Revised Code, the legislative authority of a municipal corporation shall have the care, supervision, and control of the public highways, streets, avenues, alleys, sidewalks, public grounds, bridges, aqueducts, and viaducts within the municipal corporation.”

{¶ 5} Ohio Revised Code Section 5501.49(A) in pertinent part states:

{¶ 6} “The director of transportation is responsible for the construction, reconstruction, major maintenance and repair, and operation of all lift bridges located on the state highway system within a municipal corporation. The responsibilities of the director pertain only to those lift bridges necessary for the initial construction or continued operation of the state highway system. The county or other person responsible for maintaining the pavements and sidewalks on either end of the bridge is responsible for the routine maintenance of all lift bridges located on the state highway system within the municipal corporation, unless other arrangements have been made between the county and the municipal corporation to perform the routine maintenance.”

{¶ 7} The site of the damage-causing incident was not the maintenance responsibility of the defendant, but of the City of Cleveland. 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 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.

DANIEL R. BORCHERT
Deputy Clerk

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cc:

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Filed 10/27/06
Sent to S.C. reporter 7/18/07