

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

ANGELA JONES

Plaintiff

v.

OHIO DEPT. OF TRANSPORTATION,
DISTRICT 5

Defendant

Case No. 2007-08732-AD

Deputy Clerk Daniel R. Borchert

ENTRY OF DISMISSAL

{¶1} On November 13, 2007, plaintiff, Angela Jones, filed a complaint against defendant, Department of Transportation. Plaintiff alleges on October 4, 2007, at approximately 10:00 p.m., she damaged her vehicle while traveling on Maple Avenue in front of Donato's in Zanesville, Ohio, by striking a deep square that was cut around a water meter. Plaintiff seeks damages in the amount of \$325.00, for automotive repair, which she asserts she incurred as the result of the negligence of defendant in maintaining the roadway. Plaintiff submitted the filing fee with her complaint.

{¶2} On November 30, 2007, defendant filed a motion to dismiss. In support of the motion to dismiss, defendant stated in pertinent part:

{¶3} "Defendant has performed an investigation of this site and Maple Avenue falls under the maintenance jurisdiction of the City of Zanesville (See Attached Maps). Donato's is located at 3990 N. Maple Avenue within the city limits of Zanesville. Plaintiff had contacted Ray Dailey, ODOT's Muskingum County Manager, right after this happened and reported that she hit the water cap pothole and was going to file a claim. Ray had the location checked out and saw that the City of Zanesville had uncovered the cap and created a pothole. He called Randy Hite, ODOT's Utility Relocation Technician, and was told that Zanesville did not have a permit to do this work. Randy called John Smith, Maintenance Supervisor, Water Maintenance for the City of

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Zanesville, who confirmed that they had worked in this area.”

{¶4} Plaintiff has not responded to defendant’s motion to dismiss. The site of the damage-causing incident was located in the city of Zanesville.

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

{¶6} “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 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 . . .”

{¶7} The site of the damage-causing incident was not the maintenance responsibility of defendant. Consequently, plaintiff’s claim 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. Plaintiff’s case is DISMISSED. The court shall absorb the court costs of this case.

DANIEL R. BORCHERT
Deputy Clerk

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Entry cc:

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DRB/laa
1/25
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