

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

MATTHEW L. CHAPMAN

Case No. 2008-06491-AD

Plaintiff

Deputy Clerk Daniel R. Borchert

v.

ENTRY OF DISMISSAL

OHIO DEPARTMENT OF
TRANSPORTATION

Defendant

{¶ 1} On May 23, 2008, plaintiff, Matthew Chapman, filed a complaint against defendant, Department of Transportation. Plaintiff alleges on February 17, 2008, at approximately 8:15 p.m., “[m]y tire blew when I hit pothole on SR 315 ramp heading north from Olentangy Road. This location was the on-ramp headed north near the Lennox Mall and south of the Lane Avenue exit. The pothole was located just north of where the on-ramp goes under SR 315 and starts to merge with traffic.” As a result of striking the pothole he sustained tire replacement cost in the amount of \$165.99. Plaintiff attributes his damage to negligence on the part of defendant in maintaining the roadway. Plaintiff submitted the filing fee with the complaint.

{¶ 2} On June 13, 2008, 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 Transportation Manager 2, Don Thomas, states that this area falls under the maintenance jurisdiction of the City of Columbus. The Ohio Department of Transportation does not maintain SR 315 until you get further north at Hard Road. Olentangy Road falls under the maintenance of the City of Columbus. (See Attached Map) As such, this section of roadway is not within the maintenance jurisdiction of the defendant.”

{¶ 4} Ohio Revised Code Section 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 claim 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.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

Matthew L. Chapman
8310 Greyhawk Circle
Columbus, Ohio 43240

Thomas P. Pannett
Department of Transportation
1980 West Broad Street
Columbus, Ohio 43223

DRB/laa
Filed 8/12/08
Sent to S.C. reporter 11/4/08