

# Court of Claims of Ohio

The Ohio Judicial Center  
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Columbus, OH 43215  
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BONNIE BEITZEL

Plaintiff

v.

OHIO DEPARTMENT OF TRANSPORTATION, DISTRICT 11

Defendant

Case No. 2009-06036-AD

Deputy Clerk Daniel R. Borchert

## ENTRY OF DISMISSAL

{¶ 1} On July 7, 2009, plaintiff, Bonnie Beitzel, filed a complaint against defendant, Department of Transportation. Plaintiff alleges on or about May 6, 2009 at approximately 5:40 p.m., while traveling north on State Route 93, outside of Baltic, Ohio, by the post office, when her vehicle struck a deep pothole causing tire and wheel damage. Plaintiff seeks damages in the amount of \$482.50 due to the negligence of defendant in maintaining the roadway.

{¶ 2} 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 this section of SR 93 falls under the maintenance jurisdiction of the Village of Baltic. (See Exhibit A) As such, this section of roadway is not within the maintenance jurisdiction of the defendant.”

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

{¶ 5} Ohio Revised Code Section 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, 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 . . .”

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

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DANIEL R. BORCHERT  
Deputy Clerk

Entry cc:

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DRB/laa  
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