

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

ROBIN OATTS

Plaintiff

v.

OHIO DEPARTMENT OF TRANSPORTATION

Defendant

Case No. 2010-03576-AD

Deputy Clerk Daniel R. Borchert

MEMORANDUM DECISION

FINDINGS OF FACT

{¶ 1} 1) Plaintiff, Robin Oatts, filed a complaint against defendant, Department of Transportation (ODOT), alleging that he suffered tire and wheel damage to his 2001 Volvo as a proximate cause of negligence on the part of ODOT in maintaining a hazardous roadway condition on US Route 33. Plaintiff related he was traveling east on US Route 33 between Avery Road and Interstate 270 North when his automobile struck a pothole causing the tire damage claimed. Plaintiff recalled the incident occurred on February 11, 2010 at approximately 10:45 a.m. Plaintiff seeks damages in the amount of \$271.38, the cost of replacement parts. The filing fee was paid.

{¶ 2} 2) Defendant filed an investigation report requesting plaintiff's claim be dismissed due to the fact the City of Dublin and not ODOT bears the maintenance responsibility for the section of US Route 33 where plaintiff's incident occurred. In support of the request to dismiss, ODOT stated, "[d]efendant has performed an investigation of this site and the City of Dublin takes care of this section of US 33 (see

attached map).” ODOT further stated, “[a]s such, this section of roadway is not within the maintenance jurisdiction of defendant.” The site of the damage-causing incident was located in the City of Dublin.

{¶ 3} 3) Plaintiff filed a response relating he “originally called (the) City of Columbus, they told me it (US Route 33) was under ODOT’s control so I called ODOT and they agreed.”

CONCLUSIONS OF LAW

{¶ 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 jurisdiction of defendant. Consequently, plaintiff’s case is dismissed.

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ENTRY OF ADMINISTRATIVE DETERMINATION

Having considered all the evidence in the claim file and, for the reasons set forth above, plaintiff's case is DISMISSED. The court shall absorb the court costs of this case.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

Robin Oatts
85 Acton Road
Columbus, Ohio 43214

Jolene M. Molitoris, Director
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Columbus, Ohio 43222

RDK/laa
4/12
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