

[Cite as *Wheaton v. Ohio Dept. of Transp.*, 2015-Ohio-4900.]

ROBERT J. WHEATON

Plaintiff

v.

OHIO DEPARTMENT OF
TRANSPORTATION

Defendant

Case No. 2015-00424-AD

Clerk Mark H. Reed

MEMORANDUM DECISION

{¶1} Plaintiff Robert J. Wheaton filed this claim on April 29, 2015 to recover damages which occurred when his vehicle struck a large pothole while traveling on Polaris Parkway in Columbus, Ohio. This road is a public road not maintained by the Ohio Department of Transportation. Plaintiff's vehicle sustained damages in the amount of \$462.25. Plaintiff maintains a collision insurance deductible of \$500.00.

{¶2} In order to recover on a claim for roadway damages against the Ohio Department of Transportation, Ohio law requires that a motorist/plaintiff prove all of the following:

{¶3} That the plaintiff's motor vehicle received damages as a result of coming into contact with a dangerous condition on a road maintained by the defendant.

{¶4} That the defendant knew or should have known about the dangerous road condition.

{¶5} That the defendant, armed with this knowledge, failed to repair or remedy the dangerous condition in a reasonable time.

{¶6} In this claim, the court finds that the plaintiff did prove that his vehicle incurred damages as a result of a dangerous highway condition. However, as the Investigation Report filed June 19, 2015 makes clear, this road is not a road maintained by the defendant, it is instead a road that is maintained by the City of Columbus.

{¶7} Since the defendant had no responsibility to maintain this road, they cannot be held liable for plaintiff's losses.

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ENTRY OF ADMINISTRATIVE
DETERMINATION

Having considered all the evidence in the claim file and, for the reasons set forth in the memorandum decision filed concurrently herewith, judgment is rendered in favor of defendant. Court costs are assessed against plaintiff.

MARK H. REED

Clerk

Entry cc:

Robert J. Wheaton
10092 Galena Pointe Drive
Galena, Ohio 43021

Ohio Department Of Transportation
1980 West Broad Street
Mail Stop 1500
Columbus, Ohio 43223