

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.

{¶ 5} The site of plaintiff's incident was within the city of Columbus.

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

{¶ 7} "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 . . ."

{¶ 8} The site of the damage-causing incident was not in the maintenance jurisdiction of defendant. Consequently, plaintiff's case is dismissed.

{¶ 9} 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. The clerk shall serve upon all parties notice of this entry of dismissal and its date of entry upon the journal.

DANIEL R. BORCHERT
Deputy Clerk

Case No. 2004-10850-AD

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ENTRY

Entry cc:

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1/21
Filed 2/4/05
Sent to S.C. reporter 2/28/05