

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State ex rel. Bell v. Madison Cty. Bd. of Commrs.*, Slip Opinion No. 2011-Ohio-527.]

NOTICE

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**SLIP OPINION NO. 2011-OHIO-527**

**THE STATE EX REL. BELL, APPELLANT, v. MADISON COUNTY BOARD OF COMMISSIONERS ET AL., APPELLEES.**

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*Mandamus — Petition seeking order compelling county board of commissioners to comply with R.C. 163.01 to 163.02 in taking of real property rights and to comply with consent agreement — Adequate remedies at law exist in civil actions — Writ denied.*

(No. 2010-1525 — Submitted February 2, 2011 — Decided February 9, 2011.)

APPEAL from the Court of Appeals for Madison County, No. CA2010-04-010.

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**Per Curiam.**

{¶ 1} We affirm the judgment of the court of appeals dismissing the petition of appellant, Greg A. Bell, for a writ of mandamus ordering appellee Madison County Board of Commissioners to comply with R.C. 163.01 to 163.02

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to provide him with due process in the taking of his real property rights and to comply with a consent agreement.

{¶ 2} “Mandamus will not issue if there is a plain and adequate remedy in the ordinary course of law.” *State ex rel. McClaran v. Ontario*, 119 Ohio St.3d 105, 2008-Ohio-3867, 892 N.E.2d 440, ¶ 15; R.C. 2731.05. Bell had adequate remedies at law by way of the civil actions and appeals he has already pursued. See, e.g., *Madison Cty. Bd. of Commrs. v. Bell*, Madison C.P. No. 2003CV-02-071, affirmed in *Madison Cty. Bd. of Commrs. v. Bell*, Madison App. No. CA2005-09-036, 2007-Ohio-1373, appeal not accepted, *Madison Cty. Bd. of Commrs. v. Bell*, 114 Ohio St.3d 1512, 2007-Ohio-4285, 872 N.E.2d 953; *Bell v. Nichols*, Franklin C.P. No. 2008-CVH04-6427, affirmed in *Bell v. Nichols*, Franklin App. No. 09AP-438, 2009-Ohio-4851.

{¶ 3} Moreover, the mere fact that Bell has already unsuccessfully invoked some of these alternate remedies does not thereby entitle him to the requested extraordinary relief in mandamus. See *State ex rel. Agosto v. Cuyahoga Cty. Court of Common Pleas*, 119 Ohio St.3d 366, 2008-Ohio-4607, 894 N.E.2d 314, ¶ 12; *State ex rel. Dreamer v. Mason*, 115 Ohio St.3d 190, 2007-Ohio-4789, 874 N.E.2d 510, ¶ 13.

Judgment affirmed.

O’CONNOR, C.J., and PFEIFER, LUNDBERG STRATTON, O’DONNELL, LANZINGER, CUPP, and MCGEE BROWN, JJ., concur.

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Phillip Wayne Cramer, for appellant.

Onda, LaBuhn, Rankin & Boggs Co., L.P.A., and Timothy S. Rankin, for appellee Madison County Board of Commissioners.

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