

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

**[Cite as *State ex rel. Bell v. Madison Cty. Bd. of Commrs.*,
128 Ohio St.3d 357, 2011-Ohio-527.]**

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.

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 and 163.02 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.

Phillip Wayne Cramer, for appellant.

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