

OHIO COURT OF APPEALS, SIXTH APPELLATE DISTRICT, LUCAS COUNTY

State ex rel. King Road Holdings, Ltd. v. Lucas County Engineer, et al.

2026-Ohio-2437 · No. {48}L-25-00249 · Decided June 26, 2026

SUMMARY

The Sixth District Court of Appeals affirmed judgment on the pleadings against King Road Holdings, Ltd. in its mandamus action seeking appropriation proceedings or other relief based on traffic-signal-related delays to access its property. The court held that the traffic signal and stop bar regulated traffic, did not eliminate or reroute an access point, and created only brief intermittent impediments shared with the general public. Accordingly, the alleged interference did not constitute a compensable taking as a matter of law.

CASE DETAILS

COURT	Ohio Court of Appeals, Sixth Appellate District, Lucas County
WRITING FOR THE COURT	Christine E. Mayle; Gene A. Zmuda; Myron C. Duhart
JURISDICTION	Ohio Court of Appeals, Sixth Appellate District, Lucas County
DECIDED	June 26, 2026
DOCKET	{48}L-25-00249
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a judgment on the pleadings dismissing a mandamus petition seeking appropriation proceedings, compensation, and alternative access relief based on alleged interference with access to real property.
STANDARD OF REVIEW	De novo review applies to a judgment on the pleadings. Under Civ.R. 12(C), the court considers the complaint, answer, and incorporated or attached materials, construes material allegations as true, and draws reasonable inferences in favor of the nonmoving party.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals decision
PARTIES	State of Ohio ex rel. King Road Holdings, Ltd. v. Lucas County Engineer, Lucas County Board of Commissioners

TOPICS

eminent domain takings clause motion for judgment on the pleadings standard of review
appellate procedure

PRACTICE AREAS

real estate eminent domain constitutional takings civil procedure appellate procedure

QUESTIONS PRESENTED

1. Whether the traffic signal and stop bar substantially, materially, or unreasonably interfered with King Road Holdings' right of access so as to constitute a compensable taking.
2. Whether the trial court improperly resolved factual disputes or failed to apply the Civ.R. 12(C) standard in granting judgment on the pleadings.
3. Whether the Penn Central regulatory-taking factors apply to a claim alleging interference with access to an abutting roadway.

HOLDINGS

1. The installation of the traffic signal and placement of the stop bar did not create compensable circuity of travel to or from, or within, King Road Holdings' property. The brief, intermittent delays did not constitute a substantial, material, or unreasonable interference with physical access.
2. The trial court properly granted judgment on the pleadings because the alleged variation in the length and frequency of traffic delays was immaterial to the legal issue. Even accepting those allegations as true, the signal did not eliminate access and the inconvenience was shared with the general public.
3. The Penn Central factors do not apply to claims involving interference with the right of access to an abutting roadway. The applicable test is whether the government's action substantially or unreasonably interfered with the landowner's access right.

KEY QUOTATIONS

“An owner of property abutting on a public highway possesses, as a matter of law, not only the right to the use of the highway in common with other members of the public, but also a private right or easement for the purpose of ingress and egress to and from his property, which latter right may not be taken away or destroyed or substantially impaired without compensation therefor.” (¶ 23)

“As such, we conclude that as a matter of law, the delays caused by the installation of the stoplight and placement of the stop bar do not constitute a substantial, material, or unreasonable interference with the physical access to or from or within KRH’s property” (¶ 33)

“Ohio courts do not apply Penn Central to claims involving interference with the right of access to an abutting roadway.” (¶ 42)

FACTUAL BACKGROUND

King Road Holdings owned property at 3611 King Road in Sylvania Township with a single driveway onto King Road. The Lucas County Engineer installed a pedestrian-activated traffic signal at the intersection of King Road and University Parks Trail and placed a stop bar immediately in front of the driveway. When activated, traffic stopped in front of the driveway for approximately 30 seconds to three-and-a-half minutes, allegedly delaying ingress and egress and affecting the property's use and value.

PROCEDURAL HISTORY

King Road Holdings filed a mandamus action in the Lucas County Court of Common Pleas against the Lucas County Engineer and Lucas County Board of Commissioners, alleging that a traffic signal and stop bar blocked access to its property and constituted a compensable taking. The common pleas court granted the county's Civ.R. 12(C) motion for judgment on the pleadings and dismissed the petition. The Sixth District affirmed.

DISPOSITION

affirmed

CASES CITED

- State ex rel. Midwest Pride IV, Inc. v. Pontious, 75 Ohio St.3d 565, 569-570 (1996)
- Peterson v. Teodosio, 34 Ohio St.2d 161, 166 (1973)
- Walker v. City of Toledo, 2017-Ohio-416, ¶¶ 18-19 (6th Dist.)
- McMullian v. Borean, 2006-Ohio-3867, ¶ 7 (6th Dist.)
- Ohio Manufacturers' Assn. v. Ohioans for Drug Price Relief Act, 2016-Ohio-3038, ¶ 10
- Rayess v. Educational Comm. for Foreign Med. Graduates, 2012-Ohio-5676, ¶ 18
- Reister v. Gardner, Reister v. Gardner, 2020-Ohio-5484, ¶ 17
- State ex rel. Cuyahoga Lakefront Land, L.L.C. v. Cleveland, 2016-Ohio-7640, ¶¶ 12-13
- State ex rel. Doner v. Zody, 2011-Ohio-6117, ¶ 53
- State ex rel. Waters v. Spaeth, 2012-Ohio-69, ¶ 6
- State ex rel. OTR v. Columbus, 76 Ohio St.3d 203, 206-207 (1996)
- Smith v. Erie RR. Co., 134 Ohio St. 135 (1938)
- Mansfield v. Balliett, 65 Ohio St. 451, 471 (1902)
- State ex rel. Merritt v. Linzell, 163 Ohio St. 97, 102 (1955)
- State ex rel. Habash v. Middletown, 2005-Ohio-6688, ¶¶ 15-16 (12th Dist.)
- Richley v. Jones, 38 Ohio St.2d 64, 66 (1974)
- State ex rel. Noga v. Masheter, 42 Ohio St.2d 471 (1975)
- Castrataro v. City of Lyndhurst, 1992 WL 209578, *3-*4 (8th Dist. Aug. 27, 1992)
- State of Ohio ex rel. Thieken v. Proctor, 2006-Ohio-4596, ¶ 14 (10th Dist.)
- Hilliard v. First Indus., L.P., 2004-Ohio-5836, ¶ 2 (10th Dist.)
- State ex rel. Balunek v. Marchbanks, 2023-Ohio-2517, ¶¶ 10, 12
- City of Steubenville v. Schmidt, 2002-Ohio-6894, ¶ 20 (7th Dist.)

- Eastside Properties v. Dept. of Transp., 498 S.E.2d 769 (Ga. App. 1998)
- Penn Cent. Transp. Co. v. City of New York, 438 U.S. 104, 124 (1978)
- Hoeflinger v. AM Mart, LLC, 2017-Ohio-7530, ¶ 15 (6th Dist.)

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