

**CITY OF SOUTHGATE
CAMPBELL COUNTY, KENTUCKY
ORDINANCE NO. 25-10**

AN ORDINANCE VACATING A PORTION OF THE SHALER STREET PUBLIC RIGHT OF WAY AT THE INTERSECTION OF ELECTRIC AVENUE (75') AND THE SOUTHERLY RIGHT OF WAY OF SHALER STREET (50'), BEING THE NORTHEASTERLY CORNER OF LOT 123, COMMON WITH THE NORTHEASTERLY CORNER OF PROPERTY CONVEYED TO JEFFERY J. AND THERESE M. PAUL BY DEED BOOK 561, PAGE 385

WHEREAS, KRS 82.405(1) provides a method for a municipality to close a public right-of-way; and,

WHEREAS, the Southgate City Council determined that a portion of the public right-of-way located within the City of Southgate consisting of the intersection of Electric Avenue and the Southerly right-of-way of Shaler Street, at the Northeast corner of lot 123, common with the northeastern corner of the property currently owned by Jeffrey and Therese M. Paul, by Deed Book 561, Page 385, should be closed; and,

WHEREAS, written notice of the proposed closing was given to all property owners in or abutting a portion of the public way to be closed; and,

WHEREAS, all property owners who abut a portion of the right-of-way to be closed have agreed to the closing of the public ways, and,

WHEREAS, necessary access easements have been conveyed by the Pauls to the other property owner (Espenschied) or will be conveyed consistent with this right-of-way closure, with said access easement being permanent and running with the land;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTHGATE, IN CAMPBELL COUNTY, KENTUCKY AS FOLLOWS:

SECTION I

That the City Council hereby given written consent to the vacation of the portion of Shaler Street at the intersection of Electric Avenue and the Southerly portion Shaler Street, described and depicted in **Exhibit A**;

SECTION II

That the City Council hereby make the following findings of fact:

- A) Jeffrey J. and Therese M. Paul, Trust of Fred Espenschied, and Gary J and Jenny A Gerding have been identified as the only property owners in or abutting the portion of the public way to be closed;

- B) Written Notice was given to all property owners in or abutting the portions of the public ways to be closed;
- C) All property owners in or abutting the public way or portion thereof being closed have given their written, notarized consent to the closing, hereto attached at **Exhibit B**

SECTION III

Based upon the findings stated in Section II, the City Council, pursuant to KRS 82.405(1) hereby vacates the portion of Shaler Street as described in **Exhibit A**.

SECTION IV

The closure of the portion of the public right-of-way described in Exhibit A is contingent upon an access easement being conveyed by Jeffrey and Therese M. Paul to Gary J. and Jenny A. Gearding, as described in **Exhibit A**.

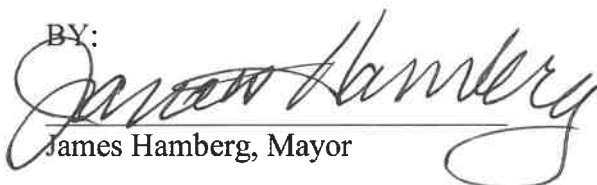
SECTION V

This Ordinance shall be signed by the Mayor, attested by the City Clerk, recorded, published and shall be in effect at the earliest time provided by law.

PASSED by the City Council of the City of Southgate, Campbell County, Kentucky.

CITY OF SOUTHGATE, KENTUCKY

BY:



James Hamberg, Mayor

ATTEST:



Brandi Barton, City Clerk

FIRST READING: 9/3/25

SECOND READING: 9/17/25

PUBLISHED: 9/19/25

Legal Description
0.0716 AC

Situated in the City of Southgate, Campbell County, Kentucky, being part of the recorded plat of the Town of Southgate, as recorded in Plat Book 2, Page 3 (aka Plat Cabinet A, Slide 52A). The portion of land to be vacated and benefits the land adjacent to the south, as conveyed to Jeffery J. & Therese M. Paul by Deed Book 561, Page 385, and being more particularly described as follows:

Beginning at a found 5/8" iron pin (cap illegible), at the intersection of the southerly right-of-way of Electric Avenue (75') and the southerly right-of-way of Shaler Street (50'), being the northeasterly corner of Lot 123, said plat of the Town of Southgate, common with the northeasterly corner of said Paul;

Thence departing the southerly right-of-way of said Electric Avenue, with the southerly right-of-way of said Shaler Street, also common with the north line of said Paul lands, South 50°49'29" West, 133.03 feet, to a found 5/8" iron pin (no cap) on a common corner of Lots 118 & 119, said plat of the Town of Southgate, being a corner of the lands of Fred Brian Espenscheid, "TR" as conveyed by Deed Book 854, Page 846;

Thence departing the southerly right-of-way of said Shaler Street, with the east line of said Espenscheid, common with the existing vacated portion of Shaler Street, as recorded in Misc. Book 171, Page 141, North 39°10'31" West, 25.00 feet, to a found 1/2" iron pin (no cap);

Thence with the centerline of existing Shaler Street, North 50°49'29" East, 116.59 feet, to a found PK Nail on the southerly right-of-way of said Electric Avenue;

Thence with said southerly right-of-way of Electric Avenue, South 72°30'43" East, 29.92 feet, to the **Point of Beginning**.

Containing 0.0716 AC. or 3120 square feet of land, more or less, and being subject to all rights-of-way, easements, restrictions, covenants and/or conditions of record.

This portion of the proposed vacation of Shaler Street is subject to a new 10 foot access easement to benefit Gary J. & Jenny A. Gearding as conveyed by Deed Book 830, Page 724, and shown on survey plat attached, prepared by Verdantas & Terry W. Cook, P.S. #4067 in the Commonwealth of Kentucky.

Basis of Bearings: NAD83(2011), Kentucky State Plane Coordinates, North Zone.



Legal Description
0.0966 AC.

Situated in the City of Southgate, Campbell County, Kentucky, being part of the recorded plat of the Town of Southgate, as recorded in Plat Book 2, Page 3 (aka Plat Cabinet A, Slide 52A). The portion of Shaler Street to be vacated and benefits the land adjacent to the north, as conveyed to Fred Brian Espenscheid, "TR" by Deed Book 854, Page 846, and being more particularly described as follows:

Beginning at a set cross notch, at the intersection of the southerly right-of-way of Electric Avenue (75') and the northerly right-of-way of Shaler Street (50'), being the northeasterly corner of Lot 133, said plat of the Town of Southgate, common with a southeasterly corner of said Espenscheid;

- Thence with the southerly right-of-way of said Electric Avenue, South 72°30'43" East, 29.92 feet, to a found PK nail on the centerline of said Shaler Street;
- Thence departing the southerly right-of-way of said Electric Avenue, with the centerline of said Shaler Street, South 50°49'29" West, 116.59 feet, to a found 1/2" iron pin (no cap);
- Thence departing said centerline of Shaler Street, South 39°10'31" East, 25.00 feet, to a found 5/8" iron pin (no cap), on a common corner of Lots 118 & 119, said plat of the Town of Southgate, being a corner of the lands of Jeffery J. & Therese M. Paul, conveyed by Deed Book 561, Page 385;
- Thence departing said lands of Paul, with the southerly line of said Shaler Street, being the north line of Lot 118, South 50°49'29" West, 30.00 feet, to a set 5/8" iron pin, on a common corner of Lots 117 & 118, said plat of the Town of Southgate;
- Thence departing the southerly right-of-way of said Shaler Street, with the east line of said Espenscheid, common with the existing vacated portion of Shaler Street, as recorded in Misc. Book 171, Page 141, North 39°10'31" West, 50.00 feet, to a set cross notch, at the common corner of Lots 133 & 136;
- Thence with the northerly right-of-way of said Shaler Street, also common with the southerly line of said Lot 133, North 50°49'29" East, 130.14 feet, to the **Point of Beginning**.

Containing 0.0966 AC. or 4209 square feet of land, more or less, and being subject to all rights-of-way, easements, restrictions, covenants and/or conditions of record.

This portion of the proposed vacation of Shaler Street is subject to a new 10 foot access easement to benefit Gary J. & Jenny A. Gearding, as conveyed by Deed Book 830, Page 724, and shown on survey plat attached, prepared by Verdantas & Terry W. Cook, P.S. #4067 in the Commonwealth of Kentucky.

Basis of Bearings: NAD83(2011), Kentucky State Plane Coordinates, North Zone.

All set iron pins are 5/8" x 30" with ID cap "Verdantas Cook OH-7950"



PROJECT NO.	34796
DISCIPLINE	SURVEY
SHEET	1
OF	1



OWNER / CLIENT
 CAMPBELL COUNTY, KENTUCKY
 1098 MONMOUTH STREET
 NEWPORT, KENTUCKY 41071

SURVEYOR'S ADDRESS
 VERDANTAS
 2161 CHAMBER CENTER DRIVE
 FORT MITCHELL, KENTUCKY 41017

SURVEYOR'S LEGEND
 ● 5/8" x 30" IRON PIN SET, CAPPED
 "VERDANTAS COOK KY-4067"

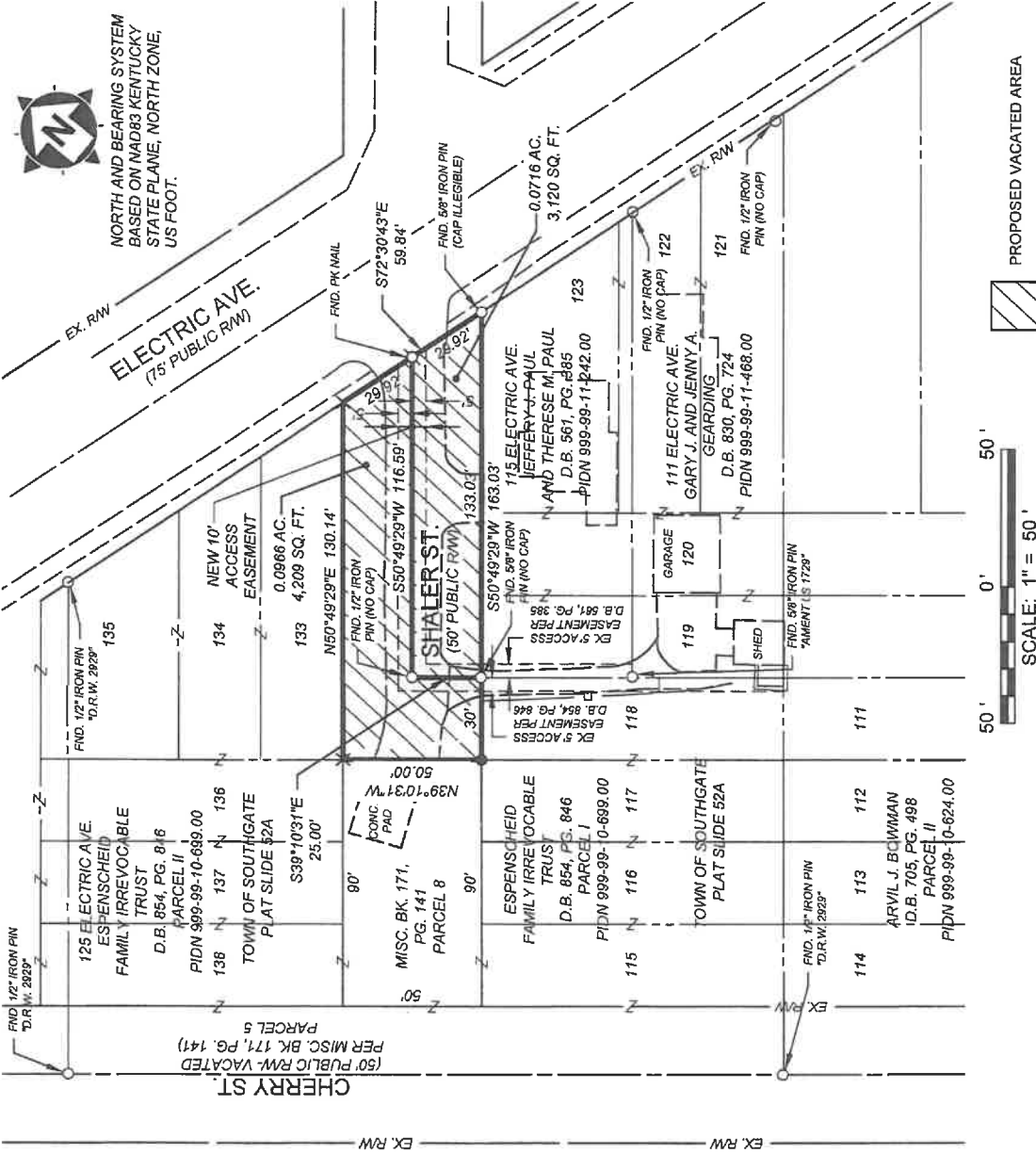
✕ CROSS NOTCH SET

○ IRON PIN FOUND (SIZE NOTED)

⊗ PK NAIL FOUND

TERRY W. COOK
 No. 67
 LICENSED PROFESSIONAL LAND SURVEYOR
 STATE OF KENTUCKY

DATE OF DRAWING: JULY 2, 2025



Property Owner Information (Name, Address, Telephone)

Fred Espenscheid Family Trust
125 Electra Ave
Southgate Ky 41071
859 512 3871

Acknowledgement and Agreement

The undersigned property owner, being a property owner in or abutting the public way described above, acknowledges receipt of written notice of the proposed permanent closure of the aforementioned public way pursuant to KRS 82.405. The undersigned further acknowledges and agrees to the proposed closure of the aforementioned public way or portion thereof.

Signature: Fred B Espenscheid (executor)

Printed Name: Fred B Espenscheid

Address: 1314 Corporate Blvd #, Oviedo FL 32765

Date: 8.26.25

NOTARY PUBLIC:

Com. of Kentucky, State at Large

(See attachment)

_____ County

Subscribed and sworn to and before me by _____ (Property Owner) on this the ____ day of _____, 2025.

Notary Public

Name: _____

Date Commission Expires: _____

Notary Public Number: _____

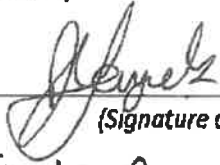
Document Name: CONSENT TO STREET CLOSURE PURSUANT TO KRS 82.405

State of Florida Jurat Notary Certificate

STATE OF FLORIDA
COUNTY OF SEMINOLE

Sworn to (or affirmed) and subscribed by personally appearing before me by physical presence this 26 day of AUGUST, 2025, by, FREDERICK B. ESPENSCHIED (name of person making statement).





(Signature of notary public)
Janelee Gonzalez

(Name of notary public)

My commission expires: 10/03/2027

Official Seal

Personally known OR
Produced identification X Type of identification produced: FLDL

Property Owner Information (Name, Address, Telephone)

GARY J. Gearding
111 Electric Ave.
Southgate, Ky. 41071
513-325-2131

Acknowledgement and Agreement

The undersigned property owner, being a property owner in or abutting the public way described above, acknowledges receipt of written notice of the proposed permanent closure of the aforementioned public way pursuant to KRS 82.405. The undersigned further acknowledges and agrees to the proposed closure of the aforementioned public way or portion thereof.

Signature: [Handwritten Signature]
Printed Name: GARY J. Gearding
Address: 111 Electric Ave.
Date: 8-28-2025

NOTARY PUBLIC:

Com. of Kentucky, State at Large

Campbell County

Subscribed and sworn to and before me by Gary Gearding (Property Owner) on this the 28th day of Aug., 2025.

Barbara Barton

Notary Public

Name: Barbara Barton

Date Commission Expires: 11-26-27

Notary Public Number: KYNP 82357



Property Owner Information (Name, Address, Telephone)

JEFFERY J. & THERESE M. PAUL
115 ELECTRIC AVE.
SOUTHGATE, KY 41071
513-604-0929 859-760-1847

Acknowledgement and Agreement

The undersigned property owner, being a property owner in or abutting the public way described above, acknowledges receipt of written notice of the proposed permanent closure of the aforementioned public way pursuant to KRS 82.405. The undersigned further acknowledges and agrees to the proposed closure of the aforementioned public way or portion thereof.

Signature: [Signature] Theresa Paul

Printed Name: JEFF PAUL

Address: 115 Electric Ave Southgate Ky 41071

Date: 8/26/2025

NOTARY PUBLIC:

~~Com. of Kentucky~~, Ohio, State at Large

Hamilton County

Subscribed and sworn to and before me by Theresa Paul Jeff Paul (Property Owner) on this the 26th day of August, 2025.

Shawn L. Thompson

Notary Public

Name: Shawn L. Thompson

Date Commission Expires: November 26, 2029

Notary Public Number: 2019-RE-807875



Shawn L. Thompson
Notary Public, State of Ohio
My Commission Expires:
November 26, 2029