

(Published in *The Butler County Times-Gazette* on October 7, 2017)

ORDINANCE NO. 1652

AN ORDINANCE OF THE CITY OF ANDOVER, KANSAS, LEVYING SPECIAL ASSESSMENT TAXES ON CERTAIN REAL PROPERTIES IN THE CITY, FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF CERTAIN INTERNAL IMPROVEMENTS BENEFITING SUCH REAL PROPERTIES; PROVIDING FOR THE GIVING OF NOTICE OF SAID SPECIAL ASSESSMENT TAXES BY PUBLICATION AND MAILING; AND PROVIDING FOR THE COLLECTION OF SAID SPECIAL ASSESSMENT TAXES (CORNERSTONE 6<sup>TH</sup> IMPROVEMENTS, GREEN VALLEY GREENS 12<sup>TH</sup> IMPROVEMENTS, CORNERSTONE OFFICE SECOND IMPROVEMENTS, CORNERSTONE SEVENTH ADDITION PHASE 1 IMPROVEMENTS AND CORNERSTONE SEVENTH ADDITION PHASE 2 IMPROVEMENTS).

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ANDOVER, KANSAS:

SECTION 1. For the purpose of paying the benefit districts' \$3,748,942.80 combined portions of the \$3,779,030 total local share of the costs of the following described improvements:

- (1) The construction of water, sewer, paving, and drainage improvements, as authorized by Resolution No. 15-17, duly adopted August 11, 2015 and published August 15, 2015 (the "Cornerstone 6<sup>th</sup> Improvements"); and
- (2) The construction of water, sewer, and paving improvements as authorized by Resolution No. 16-01, duly adopted January 12, 2016 and published January 16, 2016, as amended by Resolution No. 16-11 adopted June 28, 2016 and published June 30, 2016 (the "Green Valley Greens 12<sup>th</sup> Improvements");
- (3) The construction of water, sewer, paving, and drainage improvements, as authorized by Resolution No. 16-02 on January 12, 2016 and published January 16, 2016 (the "Cornerstone Office Second Improvements"); and
- (4) The construction of water, sewer, paving, and drainage improvements, as authorized by Resolution No. 16-12 on August 9, 2016 and published August 13, 2016 (the "Cornerstone Seventh Addition Phase 1 Improvements"); and
- (5) The construction of water, sewer, and paving improvements, as authorized by Resolution No. 16-13 on August 9, 2016 and published August 13, 2016 (the "Cornerstone Seventh Addition Phase 2 Improvements"); and

to the City of Andover, Kansas (the “City”), there are hereby levied and assessed against the properties liable therefor, the several amounts set forth below following the description of each lot, piece or parcel of land situated in the City of Andover, Butler County, Kansas, which are liable for assessment for said costs:

**Cornerstone 6<sup>th</sup> Improvements**

<u>Legal Description</u>	<u>Water</u>	<u>Sanitary Sewer</u>
The Cornerstone 6 <sup>th</sup> Addition:		
Block 1, Lots 1 through 26, inclusive	\$2,497.58 each	\$6,450.30 each
Block 2, Lots 1 through 3, inclusive	\$2,497.58 each	\$6,450.30 each
Block 3, Lots 1 through 4, inclusive	\$2,497.58 each	\$6,450.30 each

<u>Legal Description</u>	<u>Paving</u>	<u>Drainage</u>
The Cornerstone 6 <sup>th</sup> Addition:		
Block 1, Lots 1 through 26, inclusive	\$18,548.48 each	\$2,333.70 each
Block 2, Lots 1 through 3, inclusive	\$18,548.48 each	\$2,333.70 each
Block 3, Lots 1 through 4, inclusive	\$18,548.48 each	\$2,333.70 each
Unplatted Tract A: A tract of land lying in a portion of Government Lot 3, Section 6, Township 27 South, Range 3 East, of the 6 <sup>th</sup> Principal Meridian, Andover, Butler County, Kansas; said tract being more particularly described as follows: BEGINNING at a point on the east line of said Government Lot 3, being coincident with the northeast corner of Lot 39, Block 4, Final Planned Unit Development, The Cornerstone Third Addition, an addition to Andover, Butler County, Kansas; thence along the north line of said Lot 39 and also along the north lines of said addition for the next four (4) courses on a platted bearing of S88°37'29"W, 175.21 feet; thence N85°35'04"W, 64.00 feet to a point on a non-tangent curve to the left; said curve having a radius of 632.00 feet, a central angle of 3°30'02", a chord bearing of S02°39'55"W, and a chord distance of 38.61 feet, thence along said non-tangent curve to the left 38.61 feet; thence S89°29'06"W, 126.39 feet to the northwest corner of Lot 8, Block 7, said addition; thence on an extended west line of said Block 7, N00°30'54"W, 255.03 feet; thence N89°29'06"E, 364.19 feet to said east line; thence along said east line, S01°22'31"E, 219.38 feet to the POINT OF	N/A	\$8,471.32

BEGINNING. Said tract CONTAINS: 85,007 square feet or 1.951 acres of land, more or less.

Unplatted Tract B: A tract of land lying in a portion of the West Half of Section 6, Township 27 South, Range 3 East, of the 6<sup>th</sup> Principal Meridian, Andover, Butler County, Kansas; said tract being more particularly described as follows: BEGINNING at a point at the center of said Section 6; thence along the north line of the Southwest Quarter of said Section, thence on a platted bearing of S89°38'14"W, 420.15 feet along the north line of Final Planned Unit Development, The Cornerstone Sixth Addition, an addition to Andover, Butler County, Kansas; thence along the westerly boundary lines of said The Cornerstone Sixth Addition for the next seven (7) courses, S00°21'46"E, 214.00 feet; thence S89°38'14"W, 60.00 feet; thence S00°21'46"E, 160.00 feet; thence S44°17'23.8"W, 150.00 feet; thence S19°20'45"W, 331.04 feet; thence S27°39'25"E, 265.24 feet; thence S00°20'43"E, 300.00 feet to the north line of Final Planned Unit Development, Cornerstone Office Addition, an addition to Andover, Butler County, Kansas; thence along said north line of said Cornerstone Office Addition, and along the north line of Final Planned Unit Development, Cornerstone Commercial Addition, an addition to Andover, Butler County, Kansas, S89°39'17"W, 1057.42 feet to the southeast corner of Final Planned Unit Development, Cornerstone School Addition, an addition to Andover, Butler County, Kansas; thence along the extended east line of said Cornerstone School Addition, N00°38'46"W, 1327.76 feet to the north line of the Southwest Quarter of said Section 6, being coincident with the common line to Government Lots 5 and 6; thence along said north line, N89°38'14"E, 40.49 feet; thence N00°38'27"W, 795.48 feet; thence N66°33'39"E, 588.84 feet; thence N00°30'54"W, 417.61 feet; thence N89°29'06"E, 392.33 feet to the northwest corner of Lot 1, Block 7, Final Planned Unit Development, The Cornerstone Third Addition, an addition to Andover, Butler

N/A

\$299,576.68

County, Kansas; thence along the westerly boundary lines of said addition for the next five (5) courses, S00°30'54"E, 130.00 feet; thence S89°29'06"W, 23.74 feet; thence S00°30'54"E, 64.00 feet; thence S00°30'54"E, 398.12 feet; thence S43°26'59"W, 58.00 feet to a point on a non-tangent curve to the left; said curve having a radius of 379.00 feet, a central angle of 67°30'39", a chord bearing of S80°42'02"E, and a chord distance of 421.18 feet, thence along the south right-of-way line of Sandstone Street as platted on said The Cornerstone Third Addition and along said non-tangent curve to the left 446.57 feet to a reverse curve to the right; said reverse curve to the right having a radius of 471.00 feet, a central angle of 23°04'51", a chord bearing of N77°05'04"E, and a chord distance of 188.46 feet, thence along said reverse curve to the right and along said south right-of-way line 189.74 feet, thence continuing along said south right-of-way line, N88°37'29"E, 134.43 feet to the westerly line of Block 3 said The Cornerstone Third Addition; thence along said westerly line of said Block 3, S01°22'31"E, 763.63 feet; thence S89°35'38"W, 15.00 feet to the east line of the Northwest Quarter of said Section 6; thence along said east line, S01°22'31"E, 20.00 feet to the POINT OF BEGINNING. Said tract CONTAINS: 2,976,401 square feet or 68.329 acres of land, more or less.

**Green Valley Greens 12<sup>th</sup> Improvements**

<u>Legal Description</u>	<u>Water</u>	<u>Sanitary Sewer</u>	<u>Paving</u>
The Course at Green Valley Greens 12 <sup>th</sup> Addition:			
Block A, Lots 1 through 11, inclusive	\$4,109.09 each	\$9,888.18 each	\$27,109.09 each

**Cornerstone Office Second Improvements**

<u>Legal Description</u>	<u>Water</u>	<u>Sanitary Sewer</u>
Cornerstone Office Second Addition:		
Block 1, Lot 1	\$17,008.50	\$15,439.60
Block 2, Lot 1	\$17,595.00	\$15,972.00
Block 2, Lot 2	\$24,046.50	\$21,828.40

<u>Legal Description</u>	<u>Paving</u>	<u>Drainage</u>
Cornerstone Office Second Addition:		
Block 1, Lot 1	\$84,999.00	\$17,623.20
Block 2, Lot 1	\$87,930.00	\$18,882.00
Block 2, Lot 2	\$120,171.00	\$26,434.80
Cornerstone Office Addition:		
Block 1, Lot 2	N/A	\$23,917.20
Block 1, Lot 3	N/A	\$17,623.20
Block 2, Lot 1	N/A	\$21,399.60

**Cornerstone Seventh Addition Phase 1 Improvements**

<u>Legal Description</u>	<u>Water</u>	<u>Sanitary Sewer</u>
The Cornerstone Seventh Addition:		
Block 1, Lots 1 through 9, inclusive	\$2,845.00 each	\$5,870.41 each
Block 2, Lots 1 through 15, inclusive	\$2,845.00 each	\$5,870.41 each
Block 3, Lots 1 through 10, inclusive	\$2,845.00 each	\$5,870.41 each
Unplatted School Tract: A tract of land lying within the West half of Section 6, Township 27 South, Range 3 East, of the 6 <sup>th</sup> Principal Meridian, Andover, Butler County, Kansas, said tract lying within all of Government Lot 4, and portions of Government Lots 3, 5, and 6, AND ALSO, a portion of the Southeast Quarter of the Northwest Quarter of said Section 6, said tract collectively being more particularly described as follows: COMMENCING at the Southwest corner of said Southwest Quarter, thence along the West line of said Southwest Quarter, being coincident with the west lines of Government Lots 7 and 6, on a Kansas coordinate system of 1983 south zone bearing of N00°38'46"W, 2427.04 feet to the POINT OF BEGINNING, thence along the West line of said Government Lot 6, N00°38'46"W, 227.51 feet to the West Quarter corner of said Section 6 being coincident with the Southwest corner of said Government Lot 5; thence along the West lines of said Government Lots 5 and 4, N00°36'44"W,	N/A	\$59,618.94

2657.46 feet to the Northwest corner of said Section 6; thence along the North line of said Government Lots 4 and 3, N88°39'59"E, 2443.88 feet to the North Quarter corner being coincident with the Northeast corner of said Government Lot 3; thence along the East line of said Government Lot 3, S01°22'31"E, 780.32 feet; thence S89°29'06"W, 364.19 feet to a point on the extended west line of Block 7, of the Final Planned Unit Development, The Cornerstone Third Addition, an addition to Andover, Butler County, Kansas; thence along said extended west line of Block 7, S00°30'54"E, 472.03 feet to the southwest corner of Lot 6, said Block 7; thence along the extended north line of said Block 7, S89°29'06"W, 665.58 feet; thence S00°30'54"E, 417.61 feet; thence S66°33'39"W, 588.84 feet; thence S00°38'27"E, 795.48 feet to the common line of said Government Lots 5 and 6; thence along said common line, S89°38'14"W, 40.49 feet; thence S00°38'46"E, 227.76 feet to the northeast corner of Lot 1, Block 1, Final Planned Unit Development, Cornerstone School Addition, an addition to Andover, Butler County, Kansas; thence along the extended north line of said Lot 1, Block 1, S89°39'15"W, 840.00 feet to the POINT OF BEGINNING. Said tract CONTAINS a gross area of: 4,603,176 square feet or 105.674 acres of land, more or less (the "Unplatted School Tract").

<u>Legal Description</u>	<u>Paving</u>	<u>Drainage</u>
The Cornerstone Seventh Addition:		
Block 1, Lots 1 through 9, inclusive	\$13,903.53 each	\$3,593.26 each
Block 2, Lots 1 through 15, inclusive	\$13,903.53 each	\$3,593.26 each
Block 3, Lots 1 through 10, inclusive	\$13,903.53 each	\$3,593.26 each
Unplatted School Tract	\$118,180.00	N/A
Unplatted Tract A: A contiguous tract of land lying within the West half of Section 6, Township 27 South, Range 3 East, of the 6 <sup>th</sup> Principal Meridian, Andover, Butler County, Kansas, said contiguous tract lying within portions of Government Lots 3, 5, and 6, AND ALSO, a portion of the Southeast Quarter of the Northwest Quarter, AND ALSO, a portion of the North Half of the East Half of the Southwest Quarter, all in said Section 6, said contiguous tract being more	N/A	\$233,307.20

particularly described as follows: BEGINNING at the center of said Section 6; thence along the north line of said Southwest Quarter and along the extended north line of The Cornerstone Seventh Addition, of the final Planned Unit Development Plan, an addition to Andover, Butler County, Kansas on a platted bearing of S89°38'14"W, 867.28 feet; thence along the boundary of said The Cornerstone Seventh Addition for the next ten consecutive courses, S16°03'28"W, 302.39 feet; thence S00°21'46"E, 264.76 feet; thence S30°18'12"E, 86.19 feet to a point on a non-tangent curve to the right, said curve having a radius of 203.00 feet; a central angle of 47°25'25", a chord bearing of S81°20'22"W, and a chord distance of 163.27 feet; thence along said non-tangent curve to the right, 168.02 feet; thence N74°56'56"W, 155.23 feet to a point on a curve to the left; said curve having a radius of 217.00 feet, a central angle of 13°14'12", a chord bearing of N81°34'02"W, and a chord distance of 50.02 feet; thence along said curve to the left, 50.13 feet; thence N00°21'46"W, 184.16 feet; thence S89°38'14"W, 327.19 feet; thence N00°38'46"W, 250.00 feet; thence S89°38'14"W, 40.00 feet to a point on an east line of a tract of land described in Special Warranty Deed recorded on Book 2013, Page 21241; thence along said east line, N00°38'46"W, 170.00 feet to a point on the north line of said Southwest Quarter; thence along said north line and along the easterly boundary of said tract of land recorded on Book 2013, Page 21241, N89°38'14"E, 40.49 feet; thence continuing along said easterly boundary for the next four consecutive courses, N00°38'27"W, 795.48 feet; thence N66°33'39"E, 588.84 feet; thence N00°30'54"W, 417.61 feet; thence N89°29'06"E, 392.33 feet to the northwest corner of Lot 1, Block 7, final planned unit development, The Cornerstone Third Addition, an addition to the City of Andover, Butler, County, Kansas; thence along the westerly boundary of said addition for the next ten consecutive courses, S00°30'54"E, 130.00 feet; thence S89°29'06"W, 23.74 feet; thence S00°30'54"E, 462.12 feet; thence S43°26'59"W, 58.00 feet to a point on a non-tangent curve to the

left, said curve having a radius of 379.00 feet, a central angle of 67°30'39", a chord bearing of S80°42'02"E, and a chord distance of 421.18 feet; thence along said non-tangent curve to the left, 446.57 feet to a point on a curve to the right, said curve having a radius of 471.00 feet, a central angle of 23°04'51", a chord bearing of N77°05'04"E, and a chord distance of 188.46 feet; thence along said curve to the right, 189.74 feet; thence N88°37'29"E, 134.43 feet; thence S01°22'31"E, 763.63 feet; thence S89°35'38"W, 15.00 feet to a point on the east line of said Northwest Quarter; thence along said east line, S01°22'31"E, 20.00 feet to the POINT OF BEGINNING. Said contiguous tract CONTAINS 1,911,260 Sq. Ft. or 43.876 ac. more or less ("Unplatted Tract A").

Unplatted Tract B: A contiguous tract of land lying within the West half of Section 6, Township 27 South, Range 3 East, of the 6<sup>th</sup> Principal Meridian, Andover, Butler County, Kansas, said contiguous tract lying within a portion of Government 6, AND ALSO, a portion of the North Half of the East Half of the Southwest Quarter of said Section 6, said contiguous tract being more particularly described as follows: BEGINNING at the northeast corner of Reserve B, The Cornerstone Seventh Addition, of the final Planned Unit Development Plan, an addition to Andover, Butler County, Kansas, said corner being coincident with the northwest corner of Final Planned Unit Development, Cornerstone Office Addition, an addition to Andover, Butler County, Kansas; thence along the boundary of said The Cornerstone Seventh Addition for the next fourteen consecutive courses on a platted bearing of N79°53'50"W, 216.07 feet; thence N00°20'43"W, 121.27 feet; thence N85°30'10"W, 65.49 feet to a point on a non-tangent curve to the right, said curve having a radius of 200.00 feet, a central angle of 03°23'22", a chord bearing of N02°48'09"E, and a chord distance of 11.83 feet; thence along said non-tangent curve to the right, 11.83 feet; thence N04°29'50"E, 76.51 feet to a point on a curve to the left, said curve having a radius of 832.00 feet,

N/A

\$38,621.80



a central angle of 06°43'30", a chord bearing of N01°08'05"E, and a chord distance of 97.60 feet; thence along said curve to the left, 97.66 feet; thence N89°39'17"E, 129.41 feet; thence N81°57'29"E, 74.67 feet; thence N89°39'17"E, 582.32 feet; thence S72°22'14"E, 121.00 feet; thence S11°48'19"E, 57.00 feet; thence S22°59'19"E, 90.00 feet; thence S19°39'45"W, 90.00 feet; thence S13°23'50"E, 103.43 feet to a point on the north line of said Cornerstone Office Addition; thence along said north line, S89°39'17"W, 671.24 feet to the POINT OF BEGINNING. Said tract CONTAINS: 317,264 square feet or 7.28 acres of land, more or less ("Unplatted Tract B").

**Cornerstone Seventh Addition Phase 2 Improvements**

<u>Legal Description</u>	<u>Water</u>	<u>Sanitary Sewer</u>	<u>Paving</u>
The Cornerstone Seventh Addition: Block 4, Lots 1 through 5, inclusive	\$2,720.00 each	\$6,624.00 each	\$17,160.00 each

SECTION 2. The amounts so levied and assessed as set forth above shall be due and payable from and after the date of adoption of this Ordinance; and the City Clerk shall notify each and all of the owners of the above described properties, insofar as known to the City Clerk and at their last known post office address, of the amounts of their respective special assessments; and said notice shall further state that the owners of the properties will be given a period until Noon on Tuesday, October 31, 2017, during which the special assessments may be paid in full at the Andover City Hall, 1609 E. Central, Andover, Kansas, and the lien against any property for which the special assessment is paid shall thereupon be discharged and satisfied. Said notice shall further state that for any assessments not paid by the specified date and time, general obligation bonds of the City, payable in installments over a period of Twenty years, will be issued, and the principal amount of the unpaid assessments, together with interest of the unpaid principal balance thereof at a rate equal to the average annual interest rate on such general obligation bonds (such rate not to exceed the maximum rate allowed on such general obligation bonds by the laws of the State of Kansas) will be certified to the County Clerk of Butler County, Kansas for the aforesaid number of years, and will be levied against the property liable therefor in the same form and manner as, and will be collected at such time as is customary for, the levying and collecting of ad valorem property taxes, and the taxes so collected will be used for the purpose of paying the principal of and the interest on such general obligation bonds as they mature and become due. The first such levy shall be made in November 2018.

SECTION 3. The Mayor and City Clerk are hereby authorized and directed to take all such other actions not inconsistent herewith as may be appropriate or desirable to accomplish the purposes contemplated by this Ordinance.

SECTION 4. This Ordinance shall be in force and take effect from and after its passage, approval and publication one time in the City's official newspaper.

*[Remainder of Page Intentionally Left Blank]*

ADOPTED, PASSED AND APPROVED by the governing body of the City of Andover, Kansas on September 26, 2017.

CITY OF ANDOVER, KANSAS

[seal]

By \_\_\_\_\_  
Ben Lawrence, Mayor

ATTEST:

By \_\_\_\_\_  
Susan C. Renner, City Clerk

## EXCERPT OF MINUTES

The governing body of the City of Andover, Kansas met in regular session at the usual meeting place in the City on September 26, 2017, at 7:00 p.m., with the Mayor Ben Lawrence presiding, and the following members of the governing body present:

and the following members absent:

Thereupon, pursuant to duly published and mailed notice, there came on the agenda a public hearing for the purpose of hearing and considering any and all written and/or oral complaints and objections to the proposed assessments contained in the Assessment Rolls on file in the Office of the City Clerk for the costs of the:

1. Cornerstone 6<sup>th</sup> Improvements, as authorized by Resolution No. 15-17, duly adopted August 11, 2015 and published August 15, 2015; and
2. Green Valley Greens 12<sup>th</sup> Improvements as authorized by Resolution No. 16-01, duly adopted January 12, 2016 and published January 16, 2016, as amended by Resolution No. 16-11 adopted June 28, 2016 and published June 30, 2016; and
3. Cornerstone Office Second Improvements as authorized by Resolution No. 16-02 on January 12, 2016 and published January 16, 2016; and
4. Cornerstone Seventh Addition Phase 1 Improvements as authorized by Resolution No. 16-12 on August 9, 2016 and published August 13, 2016; and
5. Cornerstone Seventh Addition Phase 2 Improvements as authorized by Resolution No. 16-13 on August 9, 2016 and published August 13, 2016.

It was determined by the governing body that Notice of the Hearing was duly published one time in the official newspaper of the City as required by law, and that Notice of Hearing and Statement of Cost Proposed to be Assessed was mailed to each and all of the owners of the properties liable for the proposed assessments, such publication and mailings having been accomplished on or before September 2, 2017, as required and provided by K.S.A. 12-6a09.

Thereupon, the Mayor announced that any and all written or oral complaints and objections from property owners to the several assessments as set forth in the Assessment Rolls would now be heard and considered by the governing body.

After full discussion and consideration and the hearing of any and all complaints or objections to the several assessments contained in the Assessment Rolls, it was determined that all of the individual assessments, shall be levied in the manner provided by law, and that the special assessments shall be certified to the Butler County Clerk for a period of Twenty years, for initial inclusion on the November 2018 tax statements.

In accordance with such determination, there came on for consideration the following Ordinance:

AN ORDINANCE OF THE CITY OF ANDOVER, KANSAS, LEVYING SPECIAL ASSESSMENT TAXES ON CERTAIN REAL PROPERTIES IN THE CITY, FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF CERTAIN INTERNAL IMPROVEMENTS BENEFITING SUCH REAL PROPERTIES; PROVIDING FOR THE GIVING OF NOTICE OF SAID SPECIAL ASSESSMENT TAXES BY PUBLICATION AND MAILING; AND PROVIDING FOR THE COLLECTION OF SAID SPECIAL ASSESSMENT TAXES (CORNERSTONE 6<sup>TH</sup> IMPROVEMENTS, GREEN VALLEY GREENS 12<sup>TH</sup> IMPROVEMENTS, CORNERSTONE OFFICE SECOND IMPROVEMENTS, CORNERSTONE SEVENTH ADDITION PHASE 1 IMPROVEMENTS AND CORNERSTONE SEVENTH ADDITION PHASE 2 IMPROVEMENTS).

After discussion, upon the motion of \_\_\_\_\_, seconded by \_\_\_\_\_, each section of the Ordinance was adopted by a majority vote of the members elect.

Thereupon, the Ordinance, having been adopted by a majority vote of the members of the governing body, it was given No. \_\_\_\_, and was directed to be signed by the Mayor and attested by the City Clerk. The City Clerk was directed to cause the publication of the Ordinance one time in the City's official newspaper as set forth therein and required by law; and was further directed to cause to be mailed on the same day as said publication, a Notice of Assessment to each and all of the property owners liable for the assessments contained therein, all in the form and manner required by law and as provided in the Ordinance.

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CITY CLERK'S  
CERTIFICATION OF EXCERPT OF MINUTES

I hereby certify that the foregoing is a true and correct Excerpt of Minutes of the September 26, 2017 meeting of the governing body of the City of Andover, Kansas.

[seal]

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Susan C. Renner, City Clerk