

City of Scottsbluff, Nebraska

Monday, April 6, 2015

Regular Meeting

Item Pub. Hear.5

Council to conduct a public hearing at 6:05 p.m. to consider an Ordinance regulating neighborhood block parties.

Staff Contact: Annie Folck, City Planner

Agenda Statement

Item No.

For meeting of: April 6, 2015

AGENDA TITLE: Council to consider Ordinance amending municipal code to include permits for the use of Right-of-way and streets for neighborhood block parties

SUBMITTED BY DEPARTMENT/ORGANIZATION: Planning and Zoning

PRESENTATION BY:

SUMMARY EXPLANATION: The City currently allows residents to request to close off streets for Block Parties, but does not have a formalized process for doing so. The proposed ordinance creates a permitting process that will still allow neighborhood block parties while ensuring that emergency services retain access to the area.

BOARD/COMMISSION RECOMMENDATION: N/A

STAFF RECOMMENDATION: Staff recommends approval of this ordinance

EXHIBITS

Resolution Ordinance Contract Minutes Plan/Map

Other (specify) _____

NOTIFICATION LIST: Yes No Further Instructions

APPROVAL FOR SUBMITTAL: _____
City Manager

Rev 3/1/99CClerk

ORDINANCE RECORD

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING THE MUNICIPAL CODE TO INCLUDE PERMITS FOR USE OF RIGHT-OF-WAY AND STREETS FOR NEIGHBORHOOD BLOCK PARTIES, AMENDING §6-6-35 REQUIRING A PERMIT FEE FOR NEIGHBORHOOD BLOCK PARTIES, AND ADDING SECTIONS TO CHAPTER 20 SECTION 6 TO INCLUDE APPLICATIONS AND PROCEDURES FOR ISSUING PERMITS FOR NEIGHBORHOOD BLOCK PARTIES, REPEALING ALL PRIOR SECTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA:

Section 1. Chapter 6, Article 6 of the Scottsbluff Municipal Code is amended by repealing the existing language and substituting the following language:

“6-6-35. Use of right-of-way of sidewalks, streets for neighborhood block party, streets for carnivals, bazaars, or the sale of merchandise.

When applying for a permit to use the right-of-way or sidewalks or streets for the sale of merchandise, or for any activity allowed by this code, including those activities described in section 20-6-52, the applicant must pay the following fee:

Permit to conduct neighborhood block party	50.00
Right-of-way permit to use sidewalks.	50.00
Permit to operate one of the activities described in Section 20-6-52	25.00
Sale of merchandise on public right-of-way	25.00”

Section 2. Chapter 20, Article 6 of the Scottsbluff Municipal Code is amended by adding new Sections 20-6-79 through 20-6-86 to provide as follows:

“(I) NEIGHBORHOOD BLOCK PARTY.

§20-6-79 Neighborhood block party; definition.

For the purpose of this Article, the words “neighborhood block party” shall mean and include any event open to a specific, defined neighborhood or area where no admission fee is charged for attendance; where alcoholic beverages are not sold; where a city street is not closed more than six (6) hours; where the use of kybos/portapotties is not necessary; and where no other use of right of way permit is needed.

Any organization, private or public, or individual desiring to exclusively use a street or part thereof for a neighborhood block party must complete a block party application and submit the same to the Scottsbluff City Police Department at least thirty (30) days prior to the event. The application must include a map of the specific area to be used and blocked off and shall, unless otherwise directed by the Police Department, be from cross section to cross section so that no traffic can turn onto the closed street.

§20-6-80 Permit; application; contents.

The application for a neighborhood block party shall set forth on a form to be furnished by the Police Chief or the Chief’s designee:

- (1) The name, address, telephone number, and email address of the person or persons seeking to conduct the neighborhood block party,
- (2) The date and time of the neighborhood block party, and
- (3) The location of the neighborhood block party and which street or streets are requested to be used.

§20-6-81 Permit; standards for issuance.

The Police Chief or the Chief’s designee shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as otherwise obtained, he or she finds that:

- (1) All the addresses within the block party perimeter/boundary and all addresses affected by the neighborhood block party have been informed about the block party and have signed an event notification sheet.
- (2) Street closure requires the approval of the Police Chief or the Chief’s designee. MUTCD approved signs, barricades, cones and the like shall be used for all street closures and must be obtained from the parks department of the City of Scottsbluff. If the parks department of the City of Scottsbluff is unable to supply the approved

ORDINANCE RECORD

signs, barricades, cones and the like, because of other uses or because of other neighborhood block parties, then the Police Chief or the Chief's designee shall deny the applied for permit for that date.

- (3) Neighborhood block parties shall only be approved on local residential streets. Arterials, collectors, emergency snow routes or other streets necessary for traffic safety cannot be blocked.
- (4) Emergency vehicle access must be maintained at all times. Participants in the neighborhood block party shall not park cars or place other obstructions, including fireworks, which prevent emergency vehicle access.
- (5) On street parking shall not block driveways, fire hydrants, or travel lanes at any time.
- (6) If legal fireworks are used in the neighborhood block party, they must comply with all ordinance and code requirements of the City of Scottsbluff.
- (7) No open fires shall be allowed. Fires may be used for cooking only and must be screened. Smoke must be minimalized so as not to be deemed a nuisance; if deemed a nuisance, the fire shall be extinguished.
- (8) Amplified music shall not be permitted unless a noise permit is obtained pursuant to the Scottsbluff Municipal Code. Applicants must contact the city clerk for a noise permit.
- (9) Tents and canopies shall not be allowed on public property, streets or right-of-way.
- (10) Alcoholic beverages may be consumed on private property only. Alcoholic beverages cannot be sold at the neighborhood block party.
- (11) Block parties shall end at 10:00 p.m. on weekdays and at 12:01 a.m. on the weekends and holidays.
- (12) Traffic barricades shall be removed and all party refuse, materials, and garbage shall be cleaned from the streets, sidewalks, and front yards within one hour of the end of the party. If the City of Scottsbluff is required to clean any neighborhood block party area, the applicant or applicants shall be charged a \$250 cleaning fee.
- (13) No activity shall be conducted that conflicts with Federal, State, County, and/or City ordinances or regulations.
- (14) Applicants agree that the City of Scottsbluff and its official representatives shall not be held responsible for any and all claims or losses, which may occur as a result of the neighborhood block party.
- (15) The City of Scottsbluff will evaluate the conformance to these standards, which may affect future applications for a neighborhood block party at any applied for location.
- (16) The issued neighborhood block party permit shall be available on-site upon demand from any City of Scottsbluff official, police officer or firefighter. Failure to do so shall terminate and revoke any permit for a neighborhood block party immediately.
- (17) The City of Scottsbluff has the right to revoke the permit for any neighborhood block party if it is determined that the neighborhood block party is detrimental to public morals or public welfare.

§20-6-82 Permit; decision and timing on application.

The Police Chief or the Chief's designee shall act upon an application within five (5) working days after the filing thereof. Applications must be submitted to the police department a minimum of thirty (30) days in advance of the neighborhood block party. If the Police Chief or the Chief's designee disapproves the application, he or she shall mail one of the applicants within five (5) days after the date upon which the application was filed, a notice of the denial, stating the reason for the denial of the permit. Such notice shall be mailed to an applicant at his or her address given in the application.

§20-6-83 Alternate permit.

The Police Chief or the Chief's designee, in denying an application for a neighborhood block party permit, may authorize the neighborhood block party on a date, at a time, or at a location different from that named by the applicant, and if the applicant desires to accept the proposed date, time and location, they shall notify the Police Department within two (2) days after the notice of the action of the Police Chief or the Chief's designee. The permit applied for shall conform to the other requirements of this Chapter. The alternate dates may arise depending upon the availability of MUTCD approved signs, barricades, cones used for street closures.

§20-6-84 Permit application authority.

The Police Chief or the Chief's designee shall have authority, in his or her sole discretion, to consider any application for a permit to conduct a neighborhood block party which is filed less than thirty (30) days before the date such neighborhood block party is proposed to be conducted.

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Immediately upon granting the neighborhood block party permit, the Police Chief or the Chief's designee shall send a copy thereof to an applicant at the address listed in the application and shall also send a copy to the City of Scottsbluff Code Enforcement Officers and City of Scottsbluff Parks Department.

§20-6-85 Permit; revocation.

The Police Chief or the Chief's designee shall have authority to revoke a neighborhood block party permit if he or she finds that the standards for issuance set forth in this Article will not, or probably will not, be met notwithstanding the exercise of reasonable diligence on the part of the police department. The Police Chief or the Chief's designee, on the date of revocation of a permit, shall mail or deliver the permittee a notice in writing of the revocation stating the reasons therefore.

§20-6-86 Permit; appeal.

Any person aggrieved shall have the right to appeal the denial or revocation of a neighborhood block party permit to the City Council. The appeal shall be taken by filing a notice thereof with the City Clerk within ten (10) days after the mailing or delivery of the notice of denial or revocation. The City Council shall act upon the appeal within ten (10) days after its receipt."

Section 3. Previously existing Section 6-6-35 and all other Ordinances and parts of Ordinances in conflict therewith are repealed. Provided, however, this Ordinance shall not be construed to affect any rights, liabilities, duties or causes of action, either criminal or civil, existing or actions pending at the time when this Ordinance becomes effective.

Section 4. This Ordinance shall become effective upon its passage, approval and publication as provided by law.

PASSED AND APPROVED on _____, 2015.

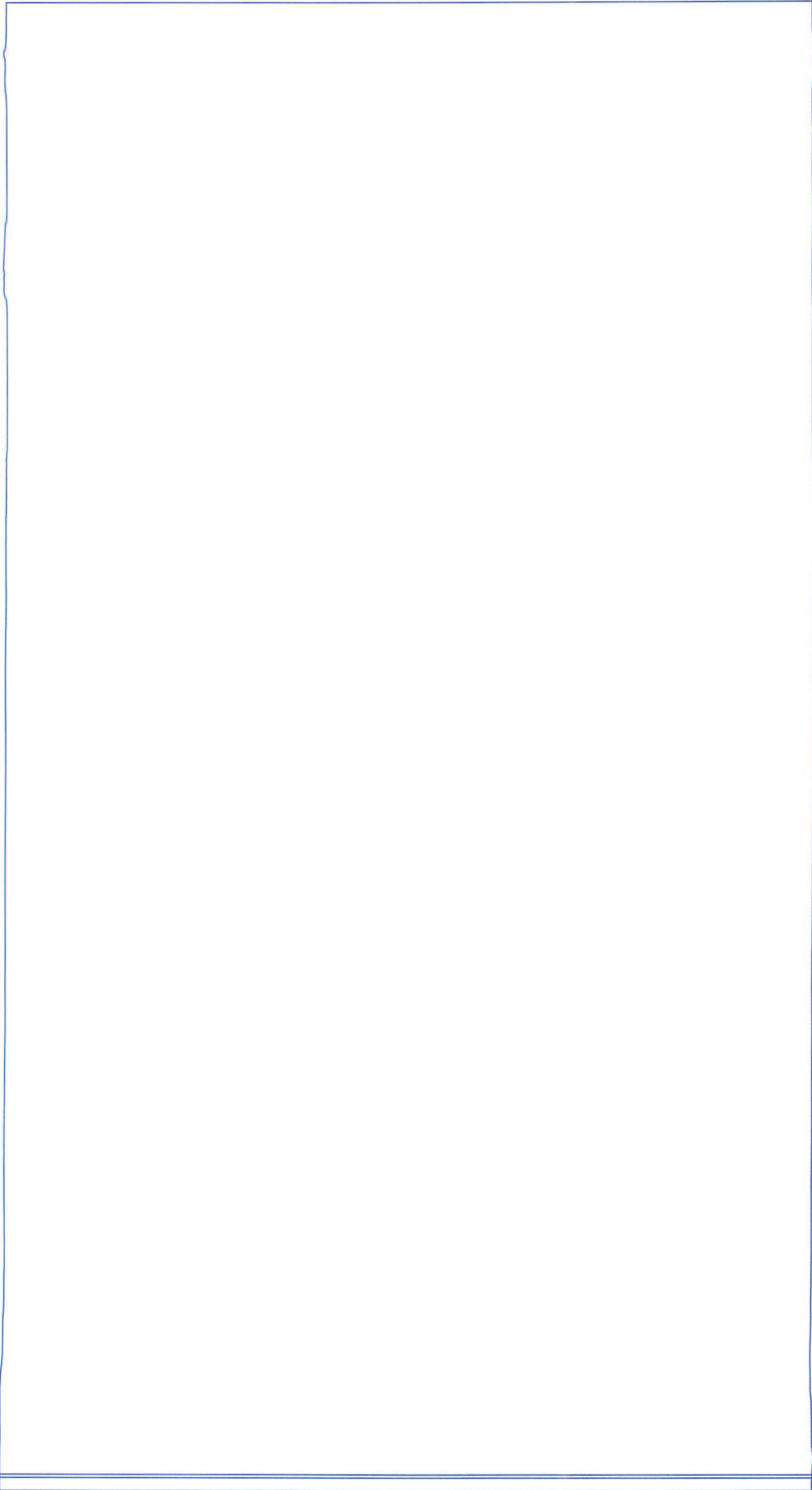
Mayor

ATTEST:

APPROVED:

City Clerk (Seal)

City Attorney



ORDINANCE RECORD

NEIGHBORHOOD BLOCK PARTY INSTRUCTIONS

Purpose/Use:

The requested use is for a **community purpose** and is not for the purpose of advertising any products, goods, or events, and is not designed to be held for private profit.

Locations:

Neighborhood block parties must be located within residential zoned areas. Neighborhood block parties will only be approved on local residential streets. Arterials, collectors, or other roadways necessary for traffic safety cannot be blocked off. The most acceptable locations are dead end streets, circle streets, or "T" intersection streets leading to a cul-de-sac.

Limits:

Each neighborhood block party permit shall be limited to a maximum of one block in length or to the nearest two roadway intersections where no cross streets exist. Barricade placements shall be at the street intersections and no mid-block closures shall be allowed.

Hours of Party:

Maximum length of time allowed will be 6 hours - starting no earlier than 10:00 a.m. and ending no later than 10:00 p.m. on weekdays, except on holidays or weekends, when it shall end at 12:01 a.m.

Fee:

\$50.00 - by check only, non-negotiable, payable in advance, when the application is filed which helps defray the associated cost of barricades, delivery and pickup.

Residential Survey:

Prior to filling out an application for a neighborhood block party, **all affected residents adjoining the requested street closure MUST be contacted prior to the event and surveyed for approvals.**

Application Time:

Return completed application and residential survey to the Police Department **at least 30 days in advance of said neighborhood block party.**

Responsibility:

The applicant, in consideration of the permit being granted, agrees to hold harmless the City of Scottsbluff and its officers and employees from all claims, demands, suits, actions, payments, liability, and judgments, because of bodily injury or property damage caused by an accident arising out of the private use of the street.

The applicant, in further consideration of the permit being granted, agrees to reimburse the City of Scottsbluff for any and all damage to or loss of City property in his/her possession or in his/her control under this permit. The applicant agrees to clean the permitted area of all

paper products, glass, plastic, and trash and debris following the end of the Neighborhood Block Party event. If the applicant fails to do so, the applicant may be charged a \$250.00 clean up fee. The applicant further agrees to immediately report to the City of Scottsbluff Code Enforcement Officers and City of Scottsbluff Parks Department or to the Scottsbluff Police Department any visible or potential damage to City property which may have occurred during the neighborhood block party event or cleanup actions thereafter.

No Alcoholic Beverages on City Property.

Barricades:

The Parks Department will deliver barricades and/or traffic control devices to the applicants address prior to the neighborhood block party. Applicant shall be responsible to set out and remove all barricades and/or traffic control devices in accordance with the location and time specified on the permit. Parks Department will then pick up the barricades and/or traffic control devices only from the applicants listed address. Barricades and/or traffic control devices will normally be delivered on day prior to the event and picked up the day after the neighborhood block party. If the neighborhood block party is scheduled during a weekend, barricades and/or traffic control devices will be delivered the Friday before and picked up the following Monday. Parks Department reserves the right to limit quantities and adjust delivery and pickup times during emergencies, holidays and times of high demand.

Notification:

The Police Department will notify you by mail upon approval or denial of the application. Upon approval, the Police Department will make the necessary contacts within Parks Department for barricade and/or traffic control device deliveries and notifications of Street closures.

Should you have any other questions concerning this permit request, please contact the:

Scottsbluff Police Department
1801 Avenue B
Scottsbluff, NE 69361
(308) 630-6261
between the hours of 8 a.m. to 4:30 p.m. M-F.

NEIGHBORHOOD BLOCK PARTY PERMIT; RESIDENTIAL SURVEY

_____ has requested a Permit for Private Use of the Street & Sidewalks on _____ (Street, Road, Circle, etc.) from _____ to _____ (Street, Road, Circle, etc.) for the purpose of a _____ (Type of Community Event), to be held on _____ (Date) from the hours of _____ (am / pm) to _____ (am / pm) and shall affect the _____ (# of homes), _____ (# of apartments) along said street. Should you have any other questions concerning this permit request, please contact the:

Scottsbluff Police Department
 1801 Avenue B
 Scottsbluff, NE 69361
(308) 630-6261,
 between the hours of **8 a.m. to 4:30 p.m. M-F**

Residents Name	Address	Phone Number	Approval Yes/No	Date

****100% approval of the adjoining residents is not required for the granting of the permit by the City of Scottsbluff Parks Department, however 100% of the adjacent residents must be notified. Approvals may be used to modify or adjust the conditions, time and dates applied for.****

NEIGHBORHOOD BLOCK PARTY APPLICATION
FEE: \$50.00 (due when filing application - check only)

FILE AT LEAST TWO WEEKS IN ADVANCE OF EVENT

RETURN TO:
 Police Department
 1801 Avenue B
 Scottsbluff, NE 69361

SMC Chapter _____

Please PRINT using blue or black ink only

APPLICANT'S INFORMATION

NAME:			
ADDRESS:			
ZIP:		DAYTIME PHONE #:	

ORGANIZATION HEADQUARTERS INFORMATION (if applicable)

NAME:			
ADDRESS:			
ZIP:		PHONE #:	
CONTACT PERSON:		DAYTIME PHONE #:	

EXACT NATURE of the proposed use: _____
 _____ EXACT
 LOCATION for which the use is requested (i.e., 10th St., from "A" to "B" St. _____

DATE REQUESTED FOR THE USE: _____
 HOURS REQUESTED FOR THE USE (6 HOUR MAXIMUM; MUST FALL BETWEEN 10 A.M.
 AND END BY 10 P.M.): _____

HOLD HARMLESS AGREEMENT

The applicant, in consideration of the permit being granted agrees to hold harmless the City of Scottsbluff and its officers and employees from all claims, demands, suits, actions, payments, liability, and judgments, because of bodily injury or property damage caused by an accident arising out of the private use of the street.

The applicant, in further consideration of the permit being granted, agrees to reimburse the City of Scottsbluff for all damage to or loss of City property in his/her possession or in his/her control under this permit. The applicant agrees to clean the permitted area of all paper products, glass, plastic, trash and debris following the end of the neighborhood block party event. If the applicant does not do so, the applicant acknowledges it can be charged \$250.00 clean up fee by the City of Scottsbluff. The applicant further agrees to immediately report to the City of Scottsbluff Code Enforcement Officers and City of Scottsbluff Public Works Department or to the Scottsbluff Police Department any visible or potential damage to City property which may have occurred during the neighborhood block party event or cleanup actions thereafter.

I, the applicant, also certify the I have contacted all residents affected by this street closure and have informed them of my intentions.

NO ALCOHOLIC BEVERAGES ON CITY PROPERTY.

Dated this ____ day of _____, 20__.

Signature of applicant or Legal Capacity of Applicant if Representing an Organization

Additional Comments by Applicant: _____

NOTE: If approved, Applicant will receive a permit by mail. If the application request is received too late, applicant may be required to come into the Scottsbluff Police Department to pick up the permit. If approved, Scottsbluff Police Department will send copies to the Public Works for barricades and/or traffic control devices and Planning and Development Department. The \$50.00 fee helps to defray associated costs of barricade and/or traffic control device delivery and pickup.

FOR CITY USE ONLY

Fee: \$50.00 Date Paid: _____ Check (Check #: _____)

Approved?

Y N Public Works: _____

Comments: _____

Planning Commission Minutes
Regular Scheduled Meeting
March 9, 2015
Scottsbluff, Nebraska

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, March 9, 2015, 6:00 p.m. in the City Hall Council Chambers, 2525 Circle Drive, Scottsbluff, Nebraska. A notice of the meeting had been published in the Star-Herald, a newspaper of general circulation in the City, on February 27, 2015. The notice stated the date, hour and place of the meeting, that the meeting would be open to the public, that anyone with a disability desiring reasonable accommodation to attend the Planning Commission meeting should contact the Development Services Department, and that an agenda of the meeting kept continuously current was available for public inspection at Development Services Department office; provided, the City Planning Commission could modify the agenda at the meeting if the business was determined that an emergency so required. A similar notice, together with a copy of the agenda, also had been delivered to each Planning Commission member. An agenda kept continuously current was available for public inspection at the office of the Development Services Department at all times from publication to the time of the meeting.

ITEM 1: Chairman, Becky Estrada called the meeting to order. Roll call consisted of the following members: Anita Chadwick, Jim Zitterkopf, Angie Aguillo, Callan Wayman, David Gompert, Henry Huber, and Becky Estrada. Absent: Mark Westphal and Dana Weber. City officials present: Annie Urdiales, Planning Administrator, Annie Folck, City Planner, and Gary Batt, Code Administrator II.

ITEM 2: Chairman Estrada informed all those present of the Nebraska Open Meetings Act and that a copy of such is posted on bookcase in the back area of the City Council Chamber, for those interested parties.

ITEM 3: Acknowledgment of any changes in the agenda: None.

ITEM 4: Business not on agenda: None

ITEM 5: Citizens with items not scheduled on regular agenda: None

ITEM 6: The minutes of February 9, 2015 were reviewed and approved. A motion was made to accept the minutes by Gompert, and seconded by Huber. "YEAS": Zitterkopf, Chadwick, Aguillo, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Westphal and Weber. Motion carried.

NOTE: Commissioner Dana Weber arrived at 6:05 p.m.

ITEM 7A: The Planning Commission opened a public hearing for proposed ordinance text changes in Chapter 25 dealing with Signs and amending 25-6-1.6 setting forth additional restrictions in signs and repealing and removing a portion of 25-6-6. Staff has been working with legal on clearing up some confusion in our sign ordinance, section 25-6-6 currently has two parts a small chart/table with permitted used in different zoning districts and language regarding different requirements for heights, names, and nature of occupancy. The chart/table was removed as this information is already in section 25-6-1.6 and the language was added to the end of 25-6-1.6. This change makes the sign ordinance easier to use for both City Staff and the general public when they look on the City website for information on the City's sign ordinance. Staff will continue to review our code and bring corrections or additions back to the Planning Commission for review.

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Conclusion: A motion was made by Gompert and seconded by Zitterkopf to approve the proposed changes to the Sign Code 25-6-1.6 “**YEAS**”: Weber, Chadwick, Zitterkopf, Aguillo, Gompert, Huber, Wayman, and Estrada. “**NAYS**”: None. **ABSTAIN**: None. **ABSENT**: Westphal. Motion carried.

ITEM 7B: The Planning Commission opened a public hearing for a proposed ordinance amendment change of Chapter 21, Article 1 in our Subdivision Code, relating to amending or re-platting a final plat, and limiting the number of times a plat can be amended or re-platted (21-1-68).

Staff had previously discussed changing the number of times a final plat can be re-platted or amended. When a property is final platting it is assumed this will be the last time the property will be changed and access and size will be developed as shown on the final plat, but there are times when the original final plat was approved several years back and current circumstances have changed, a new plan may work better with the surrounding development and a change in the layout may be a better fit with the surrounding lots either in size or access onto the property which would be a better fit, a re-plat or amended plat could be filed with the Planning Commission for review and approval with final approval from City Council. In working with the Register of Deeds we have found it is easier for them, title companies, and others to track a property if it is vacated instead of repeatedly re-platted. The George Baltes subdivision is one of the subdivisions that have had several amendments and re-platting making it difficult to research and tract the individual lots as they are sold and resold. Also, when the surveyor re-plats a lot they have to go back to the very beginning and list this in the title of the plat, this can be quite lengthy when it has been platting and changed several times, and if something is missed has to be done over.

Annie Folck, City Planner, did some research with other cities, The City of Kearney does not allow for any replat and the City of Chadron only allows two. In talking with Jean Bauer at the Register of Deeds on how this could be improved, changing our code to allow a minimum of two re-plats/amendments, seems to be a good fit for the City and if more than two requests for change are made an ordinance to vacate will be required to accompany a new final plat for the requested changes, the ordinance and plat can be done simultaneously.

Carl Gilbert, a surveyor for Baker & Associates addressed the Planning Commission; he wants to make sure that the request to vacate will be allowed for smaller partial vacations of final plats. Working on preliminary and final plats can be a challenge when many changes have been made the vacation plat or ordinance allows for a clean process. This can help developers to pre-plan better and have less re-plats in the future development. The Planning Commission asked if the cost of a re-plat would be prohibitive to the developer this would depend on the type of development. A survey can cost anywhere from \$500 to \$5,000 depending on the factors.

The City can check with legal to make sure partial vacates are allowed, the City wants to work with the developers, surveyors, and the register of deeds and will work on making the process easier.

Conclusion: A motion was made by Weber and seconded by Chadwick to make a positive recommendation to City Council to approve the proposed ordinance amendment changes of Chapter 21, Article 1 Amending Sections 21-1-68 of the City’s Subdivision Code relating to the number of times a plat may be re-platted, limiting the number to two. “**YEAS**”: Weber, Chadwick, Zitterkopf, Aguillo, Gompert, Huber, and Estrada. “**NAYS**”: Wayman. **ABSTAIN**: None. **ABSENT**: Westphal. Motion carried.

99 **ITEM 7C.** The Planning Commission reviewed a proposed ordinance text change in the City’s Chapter
100 20 Obstruction Code. More and more we are receiving requests for Block parties, usually during
101 Holidays or other special events. Annie Folck has been working with Police Chief, Kevin Spencer on
102 setting guidelines for Block parties. The permit will be checked and approved by the Police Department
103 the permit will require that the need to notify all the neighbors, use proper barricades (provided by
104 Transportation Dept.), no alcohol on the public street, sales of any items will be prohibited, no open
105 fires, and emergency access will be available at all times. Time limits of 10:00 p.m. during week days
106 and 12:00 midnight on holidays and weekends.

107
108 The Planning Commission had concerns about emergency access, want to make sure they are not using
109 vehicles as barricades and the area is kept clear in case of an emergency. Also, asked if there was any
110 language on clean up. A \$250 fine will be imposed if the applicant does not clean up after the party and
111 the City have to come in and clean up.

112
113 **ITEM 8. Unfinished Business:** Updated the Planning Commission on the comprehensive development
114 plan. Taking Request for bids for extension of utilities, where to put in future water and sewer lines, the
115 Army Core of Engineers is also working on a study for the City’s floodplain these two items will help
116 plan where physical limitations are and we will be able to plan for future development of the City.
117 PADD is also working on some of the demographics’ of the City everything we hope will be ready in
118 October and these will all be incorporated into our comprehensive development plan.

119
120 There being no further business, a motion to adjourn was made by Weber and seconded by Gompert. The
121 meeting was adjourned at 6.40 p.m. “**YEAS**”: Gompert, Wayman, Weber, Chadwick, Zitterkopf,
122 Aguallo, Huber, and Estrada. “**NAYS**”: None. **ABSTAIN**: None. **ABSENT**: Westphal. Motion
123 carried.

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126 _____
127 Becky Estrada, Chairperson

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129 Attest: _____
130 Annie Urdiales