



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

Measure 49 Development Services Division

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June 3, 2010

Virgil L. Osborn
4770 Glendale Avenue NE
Salem, OR 97305



RE: State Measure 37 Claim M130152 Richard D. Osborn

Dear Mr. Osborn,

On June 3, 2008, the Department of Land Conservation and Development (the department) received an election form requesting supplemental review of claim M130152 under Section 6 of Measure 49. The department originally issued a Measure 49 final order for this claim on February 17, 2010 and a Measure 49 amended preliminary evaluation superseding the final order on April 2, 2010. However, those documents were sent in error because, as the department recently determined, the claimant Richard D. Osborn passed away on September 14, 2007 and based on his date of death, Richard D. Osborn's heirs are not authorized to pursue the claim under Measure 49.

Requirements for supplemental review under such circumstances are stated in Section 11(9) of Measure 49 and the Extension Bill, Section 2(3) (House Bill 3546 (2007)). If the claimant filed the Measure 37 claim before November 1, 2006, and the claimant died before December 6, 2007, no relief is available for the claimant's heirs under Measure 49. According to our records Richard D. Osborn filed claim M130152 on September 29, 2006. Therefore, the request for supplemental review of the claim is denied.

Claim M130152/E130152 will be closed and the department will take no further action regarding the review of the claim. If you believe you have received this letter in error or have any questions, please contact this office at (503) 373-0050 ext. 324 or via e-mail at measure49.info@state.or.us.

This correspondence concerning claim M130152/E130152 is a final order from the department in other than a contested case and supersedes both the final order dated February 17, 2010 and the subsequent preliminary evaluation dated April 2, 2010. Please note that you have the right to petition for agency reconsideration or judicial review of this final order under ORS 183.484.

Sincerely,

Judith Moore
Division Manager

cc: Jackson County