

1 BEFORE THE LAND USE BOARD OF APPEALS
2 OF THE STATE OF OREGON

3 JACK DELAY, THOMAS A.)
4 McCARVILLE, and the THREE-)
5 TEN PARTNERSHIP,)

6 Petitioners,)

7 vs.)

8 CITY OF FLORENCE,)

9 Respondent,)

10 and)

11 TONY CHIOU,)

12 Participant-)
13 Respondent.)

LUBA No. 88-003

FINAL OPINION
AND ORDER OF DISMISSAL

14 Appeal from the City of Florence.

15 Allen L. Johnson)
16 Johnson & Kloos)
17 767 Willamette, Suite 203)
18 Eugene, OR 97401)

Joseph J. Leahy)
Harms, Harold,)
Leahy & Pace)
223 North "A" St., Suite D)
Springfield, OR 97477)

Attorney for Petitioner

Attorney for Respondent

Herb Lombard
Lombard, Gardner, Honsowetz,
Brewer & Schons
P.O. Box 10332
Eugene, OR 97440

Attorney for
Participant-Respondent

HOLSTUN, Referee; BAGG, Chief Referee; SHERTON, Referee.

DISMISSED

03/30/88

You are entitled to judicial review of this Order.
Judicial review is governed by the provisions of ORS 197.850.

1 Holstun, Referee.

2 Parties to this proceeding have stipulated that the appeal
3 be dismissed. Additionally, the parties stipulate that all
4 parties "will bear their own respective costs, disbursements,
5 and attorney's fees."

6 Accordingly, this appeal is dismissed and the Board shall
7 return petitioners' deposit for costs.

8 Dated this 30th day of March, 1988.

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Michael A. Holstun
Referee