

1 FORE THE LAND USE BOARD OF APPEALS
2 OF THE STATE OF OREGON
3

4 MARCOTT HOLDINGS, INC., MATT)
5 MARCOTT, and MURRAYHILL)
6 THRIFTWAY, INC.,)
7)
8 Petitioners,)

9)
10 vs.)

11)
12 CITY OF TIGARD,)
13)
14 Respondent,)

15)
16 and)

17)
18 ALBERTSON'S INC.,)
19)
20 Intervenor-Respondent.)

LUBA No. 96-104

FINAL OPINION
AND ORDER

21
22
23 Appeal from City of Tigard.

24
25 Jeffrey L. Kleinman, Portland, filed the petition
26 for review and represented petitioners.

27
28 Terrence Mahr, Tigard City Attorney, Newberg,
29 represented respondent.

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31 John W. Shonkwiler, Tigard, represented intervenor-
32 respondent.

33
34 LIVINGSTON, Chief Referee; HANNA, Referee,
35 participated in the decision.

36
37 DISMISSED 07/26/96

38
39 You are entitled to judicial review of this Order.
40 Judicial review is governed by the provisions of ORS
41 197.850.

1 Livingston, Chief Referee.

2 The parties stipulate to the dismissal of this
3 appeal, with the deposit for costs to be refunded to
4 petitioners. Accordingly, this appeal is dismissed, and
5 the Board will return petitioners' \$150 deposit for
6 costs.