

LAND USE
BOARD OF APPEALS

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

SEP 22 11 33 AM '89

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3	CENTURY 21 PROPERTIES, INC.,)	
4)	
5	Petitioner,)	LUBA No. 89-088
6)	
7	vs.)	FINAL OPINION
8)	AND ORDER
9	CITY OF TIGARD,)	
10)	
11	Respondent.)	

Appeal from the City of Tigard.

12	Forrest N. Rieke	Phil Grillo
13	Rieke, Geil & Savage	O'Donnell, Ramis, Elliott
14	820 SW Second Ave.	and Crew
15	Suite 200	1727 NW Hoyt Street
16	Portland, OR 97204	Portland, OR 97209

Attorney for Petitioner Attorney for Respondent

HOLSTUN, Chief Referee; SHERTON, Referee; KELLINGTON, Referee, participated in the decision.

DISMISSED 09/22/89

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

1 Opinion by Holstun, Chief Referee.

2 The parties stipulate that this appeal be dismissed and
3 that petitioner's deposit for costs be returned.¹

4 Accordingly, this case is dismissed, and petitioner's
5 deposit for costs will be returned by the Board.

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22 ¹The parties' stipulation requests "return of petitioner's filing fees
23 of [sic] this matter." Stipulated Motion for an Order of Dismissal. We
24 interpret the stipulation to request return of both the filing fee and
deposit for costs required by OAR 661-10-015(4).

25 Under ORS 197.830(13) (a) and OAR 661-10-075(1) (b) (A), we may "award" the
26 amount of the filing fee to petitioners if they are the prevailing party.
However, in this case, petitioner is not the prevailing party, and neither
the statute nor our rules provide authority to "refund" the filing fee.

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing Final Opinion and Order for LUBA No.89-088 on September 22, 1989, by mailing to said parties or their attorney a true copy thereof contained in a sealed envelope with postage prepaid addressed to said parties or their attorney as follows:

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Dated this 22nd day of September, 1989.



Jan Zwemke
Management Assistant