

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

3  
4   JEAN PEKAREK,                           )  
5    )  
6                    Petitioner,            )           LUBA No. 93-156  
7    )  
8            vs.                            )           FINAL OPINION  
9    )           AND ORDER  
10   CITY OF JOSEPH,                        )  
11    )  
12                    Respondent.            )

13  
14  
15            Appeal from City of Joseph.

16  
17            Jean Pekarek, Enterprise, represented herself.

18  
19            Mona K. Williams, Enterprise, represented respondent.

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

23  
24                    DISMISSED                           12/21/93

25  
26            You are entitled to judicial review of this Order.  
27   Judicial review is governed by the provisions of ORS  
28   197.850.

1           Sheraton, Referee.

2           On October 11, 1993, pursuant to ORS 197.830(12)(b) and  
3 OAR 661-10-021(1), the city withdrew the decision challenged  
4 in this appeal for reconsideration. On December 13, 1993,  
5 the Board received the city's decision on reconsideration.  
6 Petitioner advises the Board she does not wish to challenge  
7 the city's decision on reconsideration, and will not file an  
8 amended notice of intent to appeal, or refile her original  
9 notice of intent to appeal. Petitioner asks the Board to  
10 refund her \$150 deposit for costs.

11           Where a decision on reconsideration is filed, and the  
12 petitioner does not file an amended notice of intent to  
13 appeal or refile the original notice of intent to appeal,  
14 the appeal will be dismissed. OAR 661-10-021(5)(d).

15           This appeal is dismissed. The Board will return  
16 petitioner's deposit for costs, in the amount of \$150.