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

DONALD MCRAE and PHILLIP )  
KLINGENSMITH, dba DOWNTOWN )  
MINI-STORAGE PARTNERSHIP, )  
Petitioners, )  
vs. )  
CITY OF EUGENE, )  
Respondent. )

LUBA No. 96-247  
FINAL OPINION  
AND ORDER

Appeal from City of Eugene.  
Allen L. Johnson, Eugene, represented petitioners.  
Glenn Klein, Eugene, represented respondent.

LIVINGSTON, Referee; HANNA, Chief Referee; GUSTAFSON,  
Referee participated in the decision.

DISMISSED 05/16/97

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

1           Livingston, Referee.

2           The parties move to dismiss this appeal with costs to  
3 neither party. Accordingly, this appeal is dismissed. The  
4 Board will return petitioners' \$150 deposit for costs.