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

ROSE CITY SAND AND GRAVEL)
COMPANY,)
)
Petitioner,)
)
vs.)
)
CITY OF PORTLAND,)
)
Respondent.)

LUBA No. 97-064

FINAL OPINION
AND ORDER

Appeal from City of Portland.

Michael C. Robinson, Portland, represented petitioner.

Ruth M. Spetter, Senior Deputy City Attorney, Portland,
represented respondent.

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

DISMISSED 08/06/97

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

1 Opinion by Livingston.

2 Pursuant to ORS 197.830(12)(b) and OAR 661-10-021, the
3 city withdrew the decision challenged in this appeal for
4 reconsideration. On July 16, 1997, the Board received the
5 city's decision on reconsideration. On August 6, 1997 the
6 Board received notice from petitioner that it will not
7 refile a notice of intent to appeal.

8 OAR 661-10-021(5)(d) provides "[i]f no amended notice
9 of intent to appeal is filed or no original notice of intent
10 to appeal is refiled, as provided in [OAR 661-10-021(5)(a)],
11 the appeal will be dismissed."

12 This appeal is dismissed.