

LAND USE  
BOARD OF APPEALS

BEFORE THE LAND USE BOARD OF APPEALS

OF THE STATE OF OREGON AUG 19 2 53 PM '83

1  
2  
3 ERNEST E. GODFREY AND  
MARLENE GODFREY,

4           Petitioners,

5           v.

6 MARION COUNTY,

7           Respondent.

)  
)  
)  
) LUBA NO. 83-058

)  
) FINAL OPINION  
) AND ORDER  
)  
)  
)

8           Appeal from Marion County.

9           Corinne Sherton  
10           O'Donnell, Sullivan & Ramis  
11           530 Center St. NE  
            Suite 240  
            Salem, OR 97301

Robert C. Cannon  
Legal Counsel  
Marion County Courthouse  
Salem, OR 97301

12           Bagg, Board Member.

13           Dismissed.

8/19/83

14           You are entitled to judicial review of this Order.  
15           Judicial review is governed by the provisions of Oregon Laws  
16           1979, ch 772, sec 6(a), as amended by Oregon Laws 1981, ch 748.  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

1 BAGG, Board Member.

2 Petitioners have filed a motion to dismiss because of  
3 "unforeseen circumstances." Respondents have made no response  
4 thereto.

5 It is the Board's understanding there has been no agreement  
6 with regard to costs. Oregon Laws 1979, ch 772, sec 4(4), as  
7 amended by Oregon Laws 1981, ch 748, states:

8 "In the event a petition for review is not filed with  
9 the board as required in subsection (6) of this  
10 section, then the filing fee and deposit shall be  
awarded to the local government, special district or  
state agency as cost of preparation of the record."

11 It is, therefore, ordered that this appeal is dismissed and  
12 respondent shall be awarded the \$150 deposit for costs and the  
13 \$50 filing fee.

14 Dismissed.