

LAND USE
BOARD OF APPEALS

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

APR 23 2 46 PM '85

1
2
3 MICHAEL A. SMITH,)
4 Petitioner,) LUBA No. 84-070
5 vs.) FINAL OPINION
6 CITY OF TIGARD,) AND ORDER OF DISMISSAL
7 Respondent.)

8 Appeal from the City of Tigard.

9 Frank Josselson Timothy v. Ramis
10 Attorney at Law Attorney at Law
11 838 S.W. First Ave. 1727 N.W. Hoyt St.
12 430 Dayton Bldg. Portland, OR 97209
13 Portland, OR 97204
14 Attorney for Attorney for
15 Petitioner Respondent City

16 Ferd Moreno
17 14430 S.W. McFarland
18 Tigard, OR 97224
19 Respondent-Participant

20 KRESSEL, Referee; BAGG, Chief Referee; DUBAY, Referee.

21 DISMISSED 04/23/85

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Kressel, Referee.

Petitioner has moved to dismiss this appeal. Respondent has filed no objection to the motion.

ORS 197.830(7) provides in part:

"If a petition for review is not filed with the Board..., the filing fee and deposit shall be awarded to the local government, special district or state agency as cost of preparation of the record."

The record in this appeal was filed on December 3, 1984.

No petition has been filed. Accordingly, petitioner's filing fee and deposit are hereby awarded to the City of Tigard.

The appeal is dismissed.