BEFORE THE LAND USE BOARD OF APPEALS

OF THE STATE OF OREGON

| J. DOUGLAS McKAY and McKAY |) | |
|----------------------------|---|-----------------|
| INVESTMENT COMPANY, |) | |
| |) | |
| Petitioners, |) | LUBA No. 90-026 |
| |) | |
| vs. |) | FINAL OPINION |
| |) | AND ORDER |
| CITY OF SPRINGFIELD, |) | |
| |) | |
| Respondent. |) | |

Appeal from City of Springfield.

Allen L. Johnson, Eugene, represented petitioners.

Joseph Leahy, Springfield, represented respondent.

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

DISMISSED 03/06/91

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

Holstun, Referee.

Petitioners move for dismissal of this appeal proceeding and for return of their deposit for costs. Respondent does not object.

Accordingly, this appeal is dismissed, and the Board shall return petitioners' deposit for costs.