

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

3
4 JON M. EKERSON,)
5)
6 Petitioner,) LUBA No. 92-161
7)
8 vs.) FINAL OPINION
9) AND ORDER
10 CITY OF MILWAUKIE,)
11)
12 Respondent.)

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14
15 Appeal from City of Milwaukie.

16
17 Paul D. Schultz, Oregon City, represented petitioner.
18
19 Michael C. Robinson, Portland, represented respondent.

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

23
24 DISMISSED 10/29/92

25
26 You are entitled to judicial review of this Order.
27 Judicial review is governed by the provisions of ORS
28 197.850.

1 Opinion by Sherton.

2 The Board received the local record in this appeal on
3 September 22, 1992. The petition for review was due on
4 October 13, 1992. On October 14, 1992, petitioner sent the
5 Board a letter stating he would not file a petition for
6 review and that the Board may dismiss this appeal.

7 Pursuant to OAR 661-10-075(1)(c), respondent moves for
8 the award of petitioner's \$50 filing fee and \$150 deposit
9 for costs to the governing body, as costs of preparation of
10 the record.

11 Where the local record has been filed, and petitioner
12 does not file a petition for review within the time required
13 by LUBA rules, ORS 197.830(8) and OAR 661-10-030(1) and
14 661-10-075(1)(c) require that LUBA grant respondent's
15 request for award of petitioner's filing fee and deposit for
16 costs. Keister v. Clackamas County, 21 Or LUBA 212 (1991).

17 This appeal is dismissed. Respondent is awarded
18 petitioner's filing fee and deposit for costs, in the total
19 amount of \$200.