1	BEFORE THE LAND USE BOARD OF APPEALS
2 3	OF THE STATE OF OREGON
4	OREGON DEPARTMENT OF TRANSPORTATION,)
5 6	Petitioner,)
7 8	vs.)
9 10) LUBA No. 93-217 CITY OF CANBY,
11 12) FINAL OPINION Respondent,) AND ORDER
13 14	and)
15)
16 17	KEVIN HOWARD,)
18 19	Intervenor-Respondent.)
20 21	Appeal from City of Canby.
22 23	Lucinda Moyano, Assistant Attorney General, Salem,
24	represented petitioner.
25 26	John H. Kelley, Canby, represented respondent.
27 28	Michael C. Robinson, Portland, represented intervenor-
29 30	respondent.
31 32 33	HOLSTUN, Referee; SHERTON, Referee, participated in the decision.
34 35	DISMISSED 09/30/94
36 37 38	You are entitled to judicial review of this Order. Judicial review is governed by the provisions of ORS 197.850.

- 1 Holstun, Referee.
- 2 Petitioner moves to dismiss this appeal and for return
- 3 of its \$150 deposit for costs. Respondent and intervenor do
- 4 not object.
- 5 This appeal is dismissed, and the Board shall return
- 6 petitioner's \$150 deposit for costs.