1 BEFORE THE LAND USE BOARD OF APPEALS OF THE STATE OF OREGON 2 3 4 JOE BERNERT TOWING COMPANY, INC,) 5 and WILSONVILLE CONCRETE PRODUCTS,) 6) LUBA No. 95-005 7 Petitioners,) 8) 9 FINAL OPINION vs.) 10) AND ORDER 11 CITY OF WILSONVILLE,) 12) 13 Respondent.) 14 15 16 Appeal from City of Wilsonville. 17 18 Peter Livingston, Portland, represented petitioners. 19 20 Michael E. Kohlhoff, Wilsonville, represented 21 respondent. 22 23 SHERTON, Chief Referee, participated in the decision. 24 25 04/28/95 DISMISSED 26 27 You are entitled to judicial review of this Order. 28 Judicial review is governed by the provisions of ORS 29 197.850.

1 Sherton, Chief Referee.

2 Petitioners move that this appeal be dismissed and 3 petitioners' deposit for costs returned. Respondent does 4 not object.

5 This appeal is dismissed. The board shall return 6 petitioners' \$150 deposit for costs.