1	BEFORE THE LAND USE BOARD OF APPEALS
2	OF THE STATE OF OREGON
3	
4	GREAT AMERICAN DEVELOPMENT CO.,
5	
6	Petitioner, )
7	) LUBA No. 97-172
8	vs. )
9	) FINAL OPINION
10	CITY OF SANDY, ) AND ORDER
11	
12	Respondent. )
13	
14	
15	Appeal from City of Sandy.
16	
17	Stark Ackerman, Portland, represented petitioner.
18	
19	John H. Hammond, Jr., West Linn, represented
20	respondent.
21	
22	GUSTAFSON, Chief Referee; LIVINGSTON, Referee,
23	participated in the decision.
24	
25	DISMISSED 09/15/97
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 Gustafson, Chief Referee.
- 2 Petitioner moves to withdraw its appeal, which we treat
- 3 as a motion to dismiss. Accordingly, this appeal is
- 4 dismissed.
- 5 Petitioner also requests return of its filing fee and
- 6 deposit for cost, since respondent repealed the decision
- 7 that was the subject of the appeal. Petitioner represents
- 8 that respondent does not object to this motion. Since the
- 9 record was not filed in this appeal, the Board will return
- 10 petitioner's deposit for costs. However, the filing fee is
- 11 non-refundable.