

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

3
4 TIMOTHY D. BARTEL and JOYCE M.)
5 BARTEL,)
6)
7 Petitioner,) LUBA No. 97-127
8)
9 vs.) FINAL OPINION
10) AND ORDER
11 CITY OF ALBANY,)
12)
13 Respondent,)
14

15
16 Appeal from City of Albany.

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18 Timothy V. Ramis, Portland, represented petitioners.

19
20 James V.B. Delapoer, Albany, represented respondent.

21
22 LIVINGSTON, Administrative Law Judge; GUSTAFSON, Chief
23 Administrative Law Judge; HANNA, Administrative Law Judge,
24 participated in the decision.

25
26 DISMISSED 10/23/97

27
28 You are entitled to judicial review of this Order.
29 Judicial review is governed by the provisions of ORS
30 197.850.

1 Opinion by Livingston.

2 Pursuant to ORS 197.830(12)(b) and OAR 661-10-021, the
3 city withdrew the decision challenged in this appeal for
4 reconsideration. On August 4, 1997, the Board received the
5 city's decision on reconsideration. Pursuant to
6 OAR 661-10-021(5)(a), petitioner had until August 25, 1997
7 to (1) refile its original notice of intent to appeal in
8 this matter, or (2) file an amended notice of intent to
9 appeal. The Board has not received a refiled original
10 notice of intent to appeal or an amended notice of intent to
11 appeal in accordance with OAR 661-10-021(5)(a).

12 OAR 661-10-021(5)(d) provides "[i]f no amended notice
13 of intent to appeal is filed or no original notice of intent
14 to appeal is refiled, as provided in [OAR 661-10-021(5)(a)],
15 the appeal will be dismissed."

16 This appeal is dismissed.