1	BEFORE THE LAND USE BOARD OF APPEALS
2	OF THE STATE OF OREGON
3	
4	FOREST HILLS EASEMENT ASSOCIATION,
5	SHEREE TUPPAN, SHELLEY LORENZEN
6	and EVIE FUSON,
7	Petitioners,
8	
9	VS.
10	
11	CITY OF LAKE OSWEGO,
12	Respondent,
13	
14	and
15	
16	JEFF PARKER,
17	Intervenor-Respondent.
18	LUDANI 2004 120
19	LUBA No. 2004-139
20	EINIAI ODINIONI
21	FINAL OPINION
22 23	AND ORDER
23 24	Appeal from City of Lake Oswego.
2 <del>4</del> 25	Appear from City of Lake Oswego.
26	William K. Kabeiseman, Portland, represented petitioners.
27	William K. Rabelseman, Fortiand, represented petitioners.
28	David D. Powell, City Attorney, Evan Boones, Deputy City Attorney, Lake Oswego,
29	represented respondent.
30	Toprosonted respondents
31	Lawrence R. Derr, Portland, represented intervenor-respondent.
32	
33	DAVIES, Board Member; BASSHAM, Board Chair; HOLSTUN, Board Member,
34	participated in the decision.
35	
36	DISMISSED 06/05/2006
37	
38	You are entitled to judicial review of this Order. Judicial review is governed by the
39	provisions of ORS 197.850.

1	Davies,	Board Member.
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2	Petitioners	requests	that	this	appeal	be	dismissed.	Accordingly,	this	appeal	is
3	dismissed.										

4 Petitioners also request return of "the filing fees" and indicate that respondent does not object. In a circumstance where a petitioner withdraws an appeal, the deposit for costs is 5 generally returned to the petitioner. However, our rules do not provide for the return of the 6 7 \$175.00 filing fee in this situation, even where the respondent does not object. Accordingly, the Board will return petitioners' \$150.00 deposit for costs.

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