

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

OREGON DEPARTMENT OF )  
TRANSPORTATION, )  
 )  
Petitioner, )  
 )  
vs. )  
 ) LUBA No. 90-058  
CITY OF SALEM, )  
 ) FINAL OPINION  
Respondent, ) AND ORDER  
 )  
and )  
 )  
HAWKINS AND ASSOCIATES, )  
 )  
Intervenor-Respondent. )

Appeal from City of Salem.

Lucinda Moyano, Salem, represented petitioner.

Paul Lee, Salem, represented respondent.

James L. Murch, Salem, represented intervenor-respondent.

HOLSTUN, Referee; SHERTON, Chief Referee; KELLINGTON, Referee, participated in the decision.

DISMISSED 6/15/90

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

Opinion by Holstun.

Petitioner Oregon Department of Transportation moves for voluntary dismissal of LUBA No. 90-058 and return of its deposit for costs.<sup>1</sup> No party objects to petitioner's motion, and it is allowed.

Petitioner also requests return of its filing fee. However, there is no provision in the Board's administrative rules for return of the filing fee, and that part of petitioner's motion is denied.

This appeal is dismissed.

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<sup>1</sup>This appeal was previously consolidated with Club Wholesale Concepts, Inc. v. City of Salem, LUBA No. 90-057, an earlier appeal challenging the same decision. Our order denying motions to dismiss LUBA No. 90-057 is entered this date.