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**State of Washington  
GROWTH MANAGEMENT HEARINGS BOARD  
FOR EASTERN WASHINGTON**

SOUTHGATE NEIGHBORHOOD COUNCIL,  
NEIGHBORHOOD ALLIANCE OF SPOKANE,  
GINGER PATANO, AND FUTUREWISE,

Petitioner(s),

v.

CITY OF SPOKANE,

Respondent,

ARTHUR RICHEY/RPDC, INC., BLACK  
DEVELOPMENT and DAVE BLACK  
PROPERTIES, SPOKANE RADIO, INC., d/b/a  
KXLY,

Intervenor(s).

Case No. 08-1-0014

**ORDER OF DISMISSAL**

THIS Matter comes before the Board pursuant to a Stipulation for Dismissal with Prejudice filed jointly by the Petitioner and Respondent on September 17, 2009.

**DISCUSSION**

The Boards' Rules of Practice and Procedure provide that an action may be dismissed:

- (1) When all parties stipulate;
- (2) Upon motion of the petitioner or respondent prior to the presentation of the respondent's case.
- (3) Upon motion by the respondent alleging that the petitioner has failed to prosecute the case, failed to comply with these rules, or failed to follow any order of the board; or
- (4) Upon a board's own motion for failure by the parties to comply with these rules or any order of the board.

WAC 242-02-720.

1 In that all parties have stipulated to the entry of an order of dismissal, dismissal is  
2 appropriate under WAC 242-02-720.

3 **ORDER**

4 Based on the foregoing, this case is hereby DISMISSED with prejudice. Entry of this Order  
5 of Dismissal is not to be interpreted as approval by the Board of the terms of any settlement  
6 agreement, nor any agreement to enforce the terms of such settlement agreement.

7 SO ORDERED this 22nd day of September 2009.  
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10 John Roskelley, Board Member

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12 Joyce Mulliken, Board Member

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14 Raymond L. Paoella, Board Member  
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