

After recording return document to:  
City of Olympia  
Attention: Legal Department  
P.O. Box 1967  
Olympia, WA 98507-1967

**Thurston County Treasurer**

Real Estate Excise Tax Paid none  
By 11/24/2015 MADD Deputy

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**Document Title: Acknowledgement of Release of Deed Restriction**  
**Grantor: Gary L. Burk and Constance R. Burk**  
**Grantee: City of Olympia**  
**Legal Description: Lots 19G, 23 and 23B, Replat Bates Ext**  
**Assessor's Tax Parcel Number: 33400009100**

**ACKNOWLEDGEMENT OF RELEASE OF DEED RESTRICTIONS**

The Grantor, Gary L. Burk and Constance R. Burk, husband and wife, did on the 22 day of October, 1989 deed to the **CITY OF OLYMPIA**, a municipal corporation, the real estate described in that certain Quit Claim Deed recorded under Thurston County Auditor's File Number 9001220067, situated in the County of Thurston, State of Washington. Said Quit Claim Deed contained restrictions that read as follows:

The land described in Attachment #2 is conveyed and quit claimed to the City of Olympia in fee simple, but we may reclaim the property described in Attachment #2 if the City of Olympia ceases to preserve and maintain the property described in Attachments #2 and #3 in essentially their current condition, subject to the following restrictions:

- 1) only informal uses such as walking, children's play, picnicking, and nature study will be allowed, but without equipment such as playground equipment, picnic tables, barbecue equipment and the like;
- 2) storm drainage into the area will not be significantly increased over its present level and will be regulated to provide reasonable assurance of water quality and prevention of erosion, unless exigent circumstances require storm drainage improvements;
- 3) the property will not be fenced by the City;
- 4) dumping of wastes, including yard wastes and fill dirt, will be prohibited;
- 5) trash receptacles will be maintained and serviced as determined to be reasonable by the City of Olympia Parks Department;
- 6) trees will not be removed from the property except for purposes such as safety, allowing access to the pond by water birds, and allowing the growth of understory plants for children's play; and

ACKNOWLEDGEMENT OF RELEASE OF DEED RESTRICTIONS



7) none of the land will be used for parking.

The purpose of this Acknowledgement of Release of Deed Restrictions is to provide that with respect to that portion of the deeded property described on Exhibit "A" and shown on Exhibit "B" (the "Release Area"), these deed restrictions are no longer in effect and no longer encumber the property.

Prior to the deeding of the property to the City of Olympia the Release Area was used as driveway access and as a utility corridor for the City of Olympia and for the adjacent properties. The City of Olympia intends to dedicate the Release Area as public right-of-way to provide continued legal access to the adjacent properties and continued maintenance and operation of existing utilities within the Release Area.

The Grantor acknowledges both the prior and current use of the Release Area. The Grantor does not desire to restrict the use of the Release Area, and the Grantor releases all right to reclaim the Release Area for failure to comply with the deed restrictions.

IN WITNESS whereof we have hereunto set our hands this 23 day of September 2015.

Gary L. Burk  
Gary L. Burk

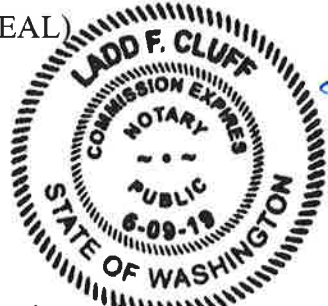
Constance R. Burk  
Constance R. Burk

STATE OF WASHINGTON )  
 ) ss  
County of Thurston )

On this 23 day of September, 2015, before me personally appeared Gary L. Burk and Constance R. Burk to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that they signed and sealed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year last above written.

(SEAL)



Ladd F. Cluff  
Signature  
Print Name: Ladd F. Cluff  
Notary Public in and for the State of  
Washington, residing at: Olympia  
My commission expires: 6-09-2019

Approved as to form.

Darne Neuhake DCA  
City Attorney

PROJECT NAME: MOORE ST. PATHWAY  
PROJECT NO: 1511G  
DATE: March 30, 2015

**EXHIBIT "A"**

**RIGHT OF WAY DESCRIPTION**

A Right of Way dedication over and across a portion of that Tract of land described in Statutory Warranty Deed, AFN 8704210031, Records of Thurston County, Washington, said dedication described as follows:

Commencing at the Southeast corner of said Tract;

Thence along the East line of said Tract, North 1°48'29" East 35.76 feet, to the **POINT OF BEGINNING**;

Thence, South 19°48'22" East 54.30 feet;

Thence South 1°48'29" West 16.67 feet;

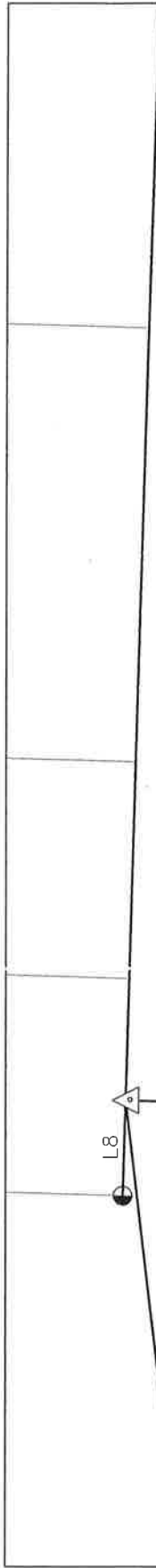
Thence South 10°38'29" East 46.39 feet;

Thence South 10°38'29" East 30.38 feet;

Thence North 31°21'48" West 54.83 feet, to the Southeast corner of a Tract of land described in Statutory Warranty Deed; AFN, Records of Thurston County, Washington;

Thence along the East line of said Tract, North 1°48'29" East 96.93 feet, to the **POINT OF BEGINNING**.





**LEGEND**

- FOUND REBAR AND CAP
- ▲ CALCULATED POINT
- R/W
- EXISTING RIGHT-OF-WAY
- PROPOSED RIGHT-OF-WAY
- XXXXXX R/W DEDICATION (2194 S.F.)

OWNER: PERRY  
 APN: 33400006900  
 ADDRESS: 2903 MOORE ST SE

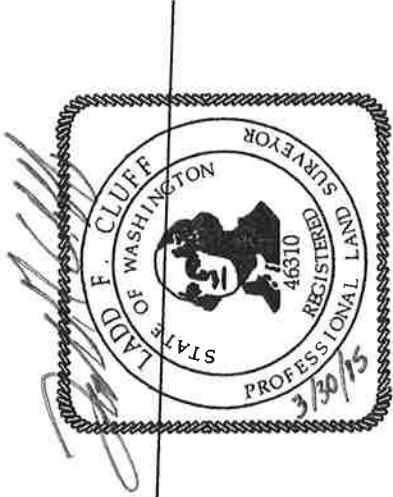
OWNER: KURZYNA  
 APN: 33400007100  
 ADDRESS: 2909 MOORE ST SE

OWNER: COLLAMORE  
 APN: 33400007300  
 ADDRESS: 2915 MOORE ST SE

TRILLIUM PARK

MOORE STREET

LINE TABLE		
LINE	BEARING	LENGTH
L1	N1°48'29"E	96.93'
L2	S19°48'22"E	54.30'
L3	S1°48'29"W	16.67'
L4	S10°38'29"E	46.39'
L5	S1°48'29"W	30.38'
L6	N31°21'48"W	54.83'
L7	N1°48'29"W	48.05'
L8	N88°16'07"W	32.98'



PROJECT NO.		CITY OF OLYMPIA	
DRAWN	TCM	EXHIBIT "B"	
QC REVIEW	LFC	MOORE STREET PATHWAY EASEMENT	
SCALE	N.T.S.	NE 1/4, SECTION 26, T. 18 N., R. 2 W., W.M.	
	DATE	DRAWING NAME	
	MAY 2015	R/W DEDICATION	
		SHEET 1 OF 1	