

#119

1858

The Commonwealth of Massachusetts Norfolk, ss. 19 July 1929. Then personally appeared the above-named Ethel J. Thayer, and acknowledged the foregoing instrument to be her free act and deed, before me William J. Shea Notary Public. (---) My commission expires Sept. 26, 1931.

Rec'd & entered for record Aug. 8, 1929 at 10h. 40m. A.M.

County of
Norfolk
Taking

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss. At a meeting of the County Commissioners for the County of Norfolk, held at Dedham, within and for said County, on the sixteenth day of July 1929, by adjournment of their June meeting next preceding: The petition of Ruel E. Heywood and others, of Franklin in said County, represents as follows: Commonwealth of Massachusetts Norfolk, ss. To the Honorable the County Commissioners of the County of Norfolk: Respectfully represent your petitioners, inhabitants of the town of Franklin in said County, that common convenience and necessity require that the way known as Oak Street, a public way in said town, be relocated between Church Street and Pond Street for the purpose of establishing the boundary lines of said way, making alterations in the course or width of said way, and making repairs on said way. Wherefore your petitioners pray that said way may be relocated within the limits above specified. Dated December 13, 1928.

- Ruel E. Heywood
- Daniel A. Cody
- Edward S. Cook
- A. Schuyler Clapp
- Fred L. Tufts

This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, aforesaid, on the eighteenth day of December 1928, by adjournment of their September meeting next preceding; and the fifth day of February then next, and 11:00 o'clock in the forenoon, at the Court House in said Dedham, were appointed by the Commissioners as the time and place for commencing and proceeding to view the premises; and they thereupon caused a copy of said petition, and of this order thereon, to be served upon the Clerk of the Town of Franklin, being the town within which such relocation of way was prayed for, thirty days at least before the time appointed for said view; and also caused copies of said petition and order to be posted in two public places in said town; and also gave notice to all persons interested, by causing a like copy to be published three weeks successively in the Franklin Sentinel, a newspaper published in said County, said posting and the last publication of said copy having been fourteen days at least before the time appointed for said view.

Plan Book 110, Plans 706 to 710 incl: 1929

that all persons and corporations interested for or against said petition, might then and there appear and be heard if they saw fit. And on the said fifth day of February, the Commissioners, Edward W. Hunt, Frederick A. Leavitt, and Russell T. Bates, met at the time and place specified in said order, when and where the petitioners appeared, and the town of Franklin was represented by its selectmen; and the said Commissioners viewed the route and premises, and heard all persons and corporations interested; and said hearing was then continued and adjourned to a meeting of the Commissioners held at Dedham aforesaid, on the nineteenth day of February by adjournment of their December meeting next preceding, when and where the said Commissioners proceeded to consider and adjudicate upon the prayer of said petition, and thereupon the said Commissioners did adjudge that common convenience and necessity require that said way be relocated as prayed for in said petition. And upon the adjudication aforesaid, the said Commissioners appointed the twenty-third day of April and 3:00 o'clock in the afternoon at the Selectmen's Room in said Franklin, as the time and place when and where they would proceed to hear all parties interested and take such action in relation to said adjudication as by law they might be authorized to do. And having given notice of such adjudication, and of the time and place appointed, and for the purpose aforesaid in the same manner as the notice and publication were given and made before first proceeding to view, (except by publishing an abstract of said petition instead of a copy thereof) the said Commissioners met at the time and place appointed and then and there heard all persons and corporations interested, and said hearing was thence adjourned and continued from time to time to this meeting. And now the said Commissioners, by courses and distances, metes and bounds, do relocate Oak Street, Franklin, as prayed for in said petition. And the lines of said relocation of said Oak Street are as follows: The northerly line begins at a stone bound in the present easterly line of Pond Street in said Franklin, said bound bearing N 68-36-10 W 40.47 ft. from the northwest corner and N 38-49-10 W 55.10 ft. from the southwest corner of the dwelling house of Isabella Titherington; thence southerly and easterly by a 360 ft. radius curve 250.55 ft. to a stone bound; thence continuing by a 1600 ft. radius curve to the left 145.87 ft. to a stone bound; thence S 49-15-10 E 275.8 ft. to a stone bound; thence by a 1200 ft. radius curve to the left 196.17 ft. to a stone bound; thence by the same curve 196.18 ft. to a stone bound; thence S 67-59-10 E 500 ft. to a stone bound; thence by the same course 412.4 ft. to a stone bound; thence by a 6000 ft. radius curve to the left 194.6 ft. to a stone bound; thence S 69-50-40 E 360 ft. to a stone bound; thence S 69-50-40 E 412.5 ft. to a stone bound; thence by a 1250 ft. radius curve to the right 310.34 ft. to a stone bound; thence by the

same curve 310.34 ft. to a stone bound; thence S 41-23-40 E 217.2 ft. to a stone bound; thence by a 2000 ft. radius curve to the left 296.90 ft. to a stone bound; thence continuing by the same curve 296.90 ft. to a stone bound; thence S 58-24-20 E 390.80 ft. to a stone bound; thence by a 2000 ft. radius curve to the left 367.39 ft. to a stone bound; thence S 68-55-50 E 576.20 ft. to a stone bound; thence by a 1650 ft. radius curve to the right 472.52 ft. to a stone bound; thence continuing by the same curve 472.53 ft. to a stone bound; thence S 36-06-50 E 500 ft. to a stone bound; thence by the same course 500 ft. to a stone bound; thence by the same course 225 ft. to a stone bound; thence by the same course 491.45 ft. to a stone bound; thence by a 1920 ft. radius curve to the left 300.05 ft. to a stone bound; thence continuing by the same curve 300.06 ft. to a stone bound; thence S 54-01-20 E 247.00 ft. to a stone bound at or near the westerly end of Church Street. The southerly line begins at a stone bound in the approximate easterly line of the aforesaid Pond Street, said bound bearing S 00-09-10 E 244.47 ft. from the point of beginning of the northerly line as above described; thence northerly, easterly and southeasterly by a 20 ft. radius curve 49.40 ft. to a stone bound; thence S 44-01-45 E 42.15 ft. to a stone bound; thence by a 1650 ft. radius curve to the left 150.43 ft. to a stone bound; thence S 49-15-10 E 471.10 ft. to a stone bound; thence by the same course 279.6 ft. to a stone bound; thence N 40-44-50 E 50 ft. to a stone bound in the approximate present easterly line of Oak Street; thence westerly, northerly and easterly by a 20 ft. radius curve 56.29 ft. to a stone bound; thence S 67-59-10 E 429.25 ft. to a stone bound; thence by the same course 307.7 ft. to a stone bound; thence by a 20 ft. radius curve to the right 53.44 ft. to a stone bound in the approximate present easterly line of said Oak Street; thence S 41-06-30 E 49.58 ft. to a stone bound; thence easterly and southerly by a 588.81 ft. radius curve 257.43 ft. to a stone bound; thence S 69-50-40 E 360 ft. to a stone bound; thence by the same course 412.5 ft. to a stone bound; thence by a 1200 ft. radius curve to the right 297.93 ft. to a stone bound; thence continuing by the same curve 297.93 ft. to a stone bound; thence S 41-23-40 E 217.20 ft. to a stone bound; thence by a 2050 ft. radius curve to the left 304.32 ft. to a stone bound; thence continuing by the same curve 304.32 ft. to a stone bound; thence S 58-24-20 E 390.8 ft. to a stone bound; thence by a 2050 ft. radius curve to the left 376.58 ft. to a stone bound; thence S 68-55-50 E 576.20 ft. to a stone bound; thence by a 1600 ft. radius curve to the right 458.20 ft. to a stone bound; thence continuing by the same curve 458.21 ft. to a stone bound; thence S 36-06-50 E 500 ft. to a stone bound; thence by the same course 500 ft. to a stone bound; thence by the same course 225 ft. to a stone bound; thence S 29-19-50 E

162.4 ft. to a stone bound; thence by a 1140 ft. radius curve to the right 224.0 ft. to a stone bound; thence N 72-31-40 E 40 ft. across the present location of said Oak Street to a stone bound; thence northerly, easterly and southerly by a 15 ft. radius curve 42.4 ft. to a stone bound; thence S 36-06-50 E 94.36 ft. to a stone bound; thence by a 1970 ft. radius curve to the left 347.79 ft. to a stone bound; thence by a 15 ft. radius curve to the right 40.56 ft. to a stone bound; thence S 18-41-40 W 40 ft. across the present location of said Oak Street to a stone bound; thence S 71-18-20 E 182.5 ft. to a stone bound; thence S 54-01-20 E 295 ft. to a stone bound; thence by a 40 ft. radius curve to the right 34.77 ft. to a stone bound in the approximate present southerly line of Oak Street, said bound bearing S 35-58-40 W 59.19 ft. from the last bound in the northerly line as above described. Said lines are shown upon a plan entitled "Plan showing the Relocation and Widening of Oak Street, Franklin from Pond St. to Church St. as made by the Norfolk County Commissioners by Return dated July 16, 1929. Hartley L. White, County Engineer. Scale 1 inch=40 feet" and marked "Edward W. Hunt, Chairman", which plan is filed herewith and made a part of this return. And the said commissioners do hereby take for the purposes of a highway all the easements and rights incident to a public highway in the lands included within the lines of relocation hereinbefore described and as shown on the plan hereinbefore referred to and made a part hereof in so far as such lands may lie outside the limits of said way as heretofore defined. And permanent stone or concrete bounds, not less than three feet long, two feet of which at least shall be inserted in the earth, will be erected at the termini and angles of the way relocated as aforesaid, when practicable; and, when not so, a heap of stones, a living tree, a permanent rock, or the corner of an edifice will be a substitute; or said bounds may be permanent stone or concrete bounds not less than three feet long, with holes drilled therein, and filled with lead, placed a few inches below the travelled part of the street or way. And it is determined by the Commissioners that the Inhabitants of the Town of Franklin do within two years from the date of this return and order complete said way in a thorough and workmanlike manner and to the acceptance of the County Commissioners. Said way shall be constructed to the full width indicated on said plan, throughout the entire length of the portion relocated by this return and order. Suitable sidewalks, gutters, culverts, retaining walls, fences and railings shall be constructed wherever needed. And it is determined by the Commissioners that all the expenses of making the relocation of way prescribed in this return and order including the expenses of constructing said way, and the removal of all buildings, structures, hedges, walls, and fences from the land taken, and all land and other damages and expenses

incident thereto, be paid by the Inhabitants of the Town of Franklin; and that the County of Norfolk shall pay to the Inhabitants of the town of Franklin the sum of Six Thousand Dollars, on account of construction, payment thereof to be made at such time as the commissioners may determine, having regard to the amount of the work done and the proportion of the expense to be paid by the County. And the Commissioners have heard the proprietors of lands and property, rights and interests, taken or affected by these proceedings, and have considered and estimated the damages sustained in the premises, having had regard to all the damages done to the parties respectively, whether by taking their property or injuring it in any manner, and having allowed, by way of set off, the benefits, if any, to the property of said parties in the premises, and do estimate and determine the damages to be paid to said parties respectively, in the sums hereafter named; the same to be paid to said parties respectively by the Inhabitants of the Town of Franklin when the lands hereby taken and over which said way is hereby located, have been entered upon and possession taken, for the purpose of constructing said way.

Isabella Titherington	\$50.00
Worden E. Lampman et ux	125.00
Katherine W. Holmes	5.00
Isaac Lafleur et ux	50.00
Roland D. Brett et ux	10.00
William A. Bartlett, Jr.	20.00
Ernest D. Daniels	10.00
John T. Sullivan	5.00
Laura C. Anderson	10.00
Matthew J. VanLeeuwen	5.00
Maxiam Tero et al	15.00
Asa M. Arnold et ux	5.00
Raffaele Vozzella	10.00
Cephas A. Woodberry	75.00
Mae E. S. Crandall	1.00
Gustave A. Kussmaul et ux	50.00
Tilly Simon	150.00
Annie M. Tucker et al	185.00
Mary A. Corr	1.00
Katherine M. Tero	60.00
	<u>\$842.00</u>

And having heard the proprietors of lands and property, rights and interests, taken or affected by these proceedings, the Commissioners direct that

all said proprietors shall have the right to take off their timber, wood, and trees, and to remove their buildings, structures, hedges, walls, and fences from the lands so taken, at any time within one month from the date when said lands have been entered upon or possession thereof taken for the purpose of constructing said way.

) Edward W. Hunt County
) Frederick A. Leavitt Commissioners
) Russell T. Bates

Commonwealth of Massachusetts Norfolk, ss. At a meeting of the County Commissioners, held at Dedham, on Tuesday, the sixteenth day of July by adjournment of their June meeting next preceding; ORDERED That the foregoing Return and Order be filed, accepted and recorded, and that an attested copy thereof be transmitted to the Clerk of the Town of Franklin, within the limits of which said highway described therein lies, that the same may be recorded by said Clerk, within ten days, in the book of records kept in said Town for that purpose.

) Edward W. Hunt County
) Frederick A. Leavitt Commissioners
) Russell T. Bates

A true copy of County Commissioners' Return and Order.

Attest: Willard E. Everett Assistant Clerk

Rec'd & entered for record Aug. 8, 1929 at 10h. 41m. A.M.

We Joseph L. Hermanson and Rita

C. Hermanson, his wife in her right of Brookline Norfolk County, Massachusetts Hermanson for consideration paid, RELEASE, to Nathan F. Sears of Wellesley, Massachusetts, to the land in WELLESLEY, Norfolk County, Massachusetts, with the buildings there- Sears on being Lot Five (5) and part of Lots Six, Nine and Ten (6, 9 and 10) on a Plan recorded with Norfolk Deeds in Plan Book 75 Plan 3626 and bounded; North- westerly by Atwood Street 110 feet; Southwesterly by Lot 4 and part of Lot 11 on said Plan 120 feet; Southeasterly by the remaining parts of said Lots 10 and 9 on said Plan 110 feet; and Northeasterly by the remaining part of said Lots 9 and 6, 120 feet. Said premises are conveyed subject to any law- fully existing encumbrances of record and to any unpaid taxes and assess- ments.

WITNESS our hands and seals this 7th day of Aug. 1929.

) Joseph L. Hermanson (seal)
) Rita C. Hermanson (seal)
Commonwealth of Massachusetts

Norfolk ss. August 7, 1929. Then personally appeared the above named Rita C. Hermanson and acknowledged the foregoing instrument to be her free act and deed, before me. Harold Lipkin Justice of the Peace My Commission Expires Nov. 5, 1931.

Rec'd & entered for record Aug. 7, 1929 at 2h. 34m. P.M.