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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 thirteenth day of December, 1938, by adjournment of their September meeting next preceding:-

The petition of HENRY D. HIGGINS and others, of Braintree, 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 BRAINTREE in said County, that for the purpose of making alterations and repairs to South St., a public way in said town, common convenience and necessity require that said way be relocated between Washington Street and the Holbrook town line: that that portion of South Street as now located which lies between Pine Street and the Holbrook line be discontinued and that from the point where Pine Street and South Street now come together the course of said South Street be altered to follow the present course of said Pine Street.

Wherefore your petitioners pray that said way may be relocated and in part discontinued within the limits above specified.

Dated July 11th, 1938.

Henry D. Higgins	R. W. Maglathlin
Albert E. Roberts	Walter M. Hatch
John W. Harding	Frederick D. Lawler
John Q. Wentworth	Frederick C. Johnson
Ernest C. Woodsum	Sydney West
Walter B. Skinner	Edward D. Brown
Joseph Landers	Richard A. Hunt

This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, aforesaid, on the twelfth day of July, 1938, by adjournment of their June meeting next preceding: and the second day of August then next and eleven 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 order of notice thereon, to be served upon the Clerk of the Town of Brain-

See Plan # 734725-1938 Plan Book 124

tree being the town within which such relocation of way and discontinuance in part was prayed for, fifteen days at least before the time appointed for said view: and also caused copies of an abstract of said petition and of said order of notice to be posted in two public places in said town: and to be published in the Braintree Observer, a newspaper published in said County, said posting and publication having been seven days at least before the time appointed for said view, 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 second day of August, 1938, the Commissioners Frederick A. Leavitt, Edward W. Hunt and Russell T. Bates, met at the time and place specified in said order, and no one representing the petitioners having appeared, the said Commissioners continued and adjourned said hearing to a meeting of said Commissioners held at Dedham on the ninth day of August, when and where the petitioners appeared, and the town of Braintree was represented by its Selectmen; and the said Commissioners then viewed the route and premises and heard all persons and corporations interested; and no party interested objected: and thereupon the said Commissioners did adjudge that common convenience and necessity require that said way be relocated and in part discontinued as prayed for in said petition.

And thence the same was continued and adjourned from time to time to a meeting of said Commissioners held at the Norfolk County Hospital on Friday the ninth day of December, 1938 when and where the Commissioners further heard the petitioners and owners of property to be taken or affected by said proceedings and thence the same was continued and adjourned from time to time to this meeting.

And now the said Commissioners, by courses and distances, metes and bounds, do relocate and discontinue in part said SOUTH STREET, as prayed for in said petition.

And the lines of said relocation and discontinuance of said SOUTH STREET are as follows:

The easterly line begins at a Massachusetts Highway Bound in the westerly line of Washington Street and in the westerly line of South Street, said bound being at or near the northeasterly corner of land of Augustus R. Wood; thence S-24-55-40-E 79.88 ft. to a Massachusetts Highway Bound in the westerly line of Washington Street as laid out by the Massachusetts Highway Commission, September 14, 1915; thence S-33-48-E 142.02 ft. in said westerly line to a stone bound; thence northwesterly, westerly and southerly by a 25.00 ft. radius curve 60.91 ft. to a stone bound; thence S-6-36-40-W 690.30 ft. to a stone bound; thence by a 62.80 ft. radius curve to the left 63.28 ft. to a stone bound in the present easterly line of South Street as laid out by the Norfolk County Commissioners by Return dated November 29, 1927; thence S-63-32-W 49.28 ft. to a stone bound in the present westerly line of said South Street as laid out by the Norfolk County Commissioners by Return dated November 19, 1918; thence northwesterly and westerly by a 160.93 ft. radius curve 153.03 ft. to a stone bound; thence S-65-34-30-W 197.87 ft. to a stone bound; thence by a 500.00 ft. radius curve to the left 296.94 ft. to a stone bound; thence continuing by a 1400.00 ft. radius curve to the left 446.78 ft. to a stone bound; thence S-13-15-50-W 666.68 ft. to a stone bound; thence by an 850.00 ft. radius curve to the right 179.22 ft. to a bolt in boulder in the Braintree-Holbrook town line, said bolt being at the northerly end of the easterly line of Centre Street in the Town of Holbrook, as laid out by the Norfolk County Commissioners, by Return dated May 19, 1925.

The westerly line begins at the point of beginning of the easterly line as above described; thence southeasterly and southerly by a 254.56 ft. radius curve 70.94 ft. to a stone bound, said course and bound being in the present westerly line of South Street as laid out by the Norfolk County Commissioners, by Return

dated November 29, 1927; thence S-6-36-40-W 660.82 ft. in said westerly line to a stone bound; thence by a 240.00 ft. radius curve to the right 246.99 ft. to a stone bound; thence S-65-34-30-W 228.47 ft. to a stone bound; thence by a 400.00 ft. radius curve to the left 219.45 ft. to a stone bound; thence continuing by a 1450.00 ft. radius curve to the left 528.36 ft. to a stone bound; thence S-13-15-50-W 666.68 ft. to a stone bound; thence by an 800.00 ft. radius curve to the right 188.26 ft. to the stone bound in the Braintree-Holbrook Town line at the northerly end of the westerly line of Centre Street in the town of Holbrook as laid out as aforesaid; thence S-85-58-10-E in said Braintree-Holbrook town line 53.86 ft. to the last bound in the easterly line as above described.

Said lines are shown upon a plan entitled "Plan showing the Relocation and Widening of South St., Braintree between Washington St. and the Holbrook Town Line and the Discontinuance of a portion of South St. from Pine St. to the Holbrook Town Line as made by the Norfolk County Commissioners by Return dated Dec. 13, 1938. Hartley L. White, County Engineer. Scale 1 inch = 40 feet." and marked "Frederick A. Leavitt, 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 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 Braintree, 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.

The travelled part of said way shall be constructed not less than twenty-four (24) feet in width.

Suitable sidewalks, gutters, culvert, 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 and discontinance of said way as prescribed in this return and order including the expenses of constructing said way, and all land and other damages and expenses incident thereto, be paid by the Inhabitants of the Town of Braintree.

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 Braintree 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 the said way.

Ellen Gill	\$ 1.00
Herbert N. Howard et ux	50.00

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 two months from the date on which the work ordered by this Return is begun.

FREDERICK A. LEAVITT

EDWARD W. HUNT

RUSSELL T. BATES

COUNTY COMMISSIONERS.

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

At a meeting of the County Commissioners, held at Dedham on Tuesday, the thirteenth day of December, 1938, by adjournment of their September 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 Braintree 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.

FREDERICK A. LEAVITT

EDWARD W. HUNT

RUSSELL T. BATES

COUNTY COMMISSIONERS

A true copy,

ATTEST:

R. P. Huntington CLERK

Rec'd. & entered for record Dec. 21, 1938 at 9h. 45m. A.M.