

#295

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 seventh day of July, 1942, by adjournment of their June meeting next preceding:-

The petition of TIMOTHY E. FOLEY and others of BELLINGHAM and 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 towns of Bellingham and Franklin in said County, that common convenience and necessity require that the way known as Maple Street, a public way in said towns be relocated between Lake Street and Mechanic 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 ways may be relocated within the limits above specified.

Dated April 15, 1940.

BELLINGHAM

- Timothy E. Foley
- Leo A. Stearns
- Paul Robidoux
- Walter Wm. LaBlanc
- John J. Delaney
- James E. Wrenn
- William Rauschal, Jr.

FRANKLIN

- John B. Cataldo
- William F. Connolly
- Albert F. Granger
- Laura F. Belleville
- Leslie H. Ware
- William J. Dickson
- John M. Ailey

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This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, aforesaid, on the seventh day of May, 1940, by adjournment of their April meeting next preceding; and the eleventh day of June then next and two o'clock in the afternoon 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 Clerks of the towns of

BELLINGHAM AND FRANKLIN being the towns within which such relocation of way was prayed for, fifteen days at least before the time appointed for said view; and also caused copies of an abstract of said petition of said order of notice to be posted in two public places in said towns; and to be published in the FRANKLIN SENTINEL, a newspaper published in said County, said posting and

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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 said eleventh day of June, 1942, the Commissioners, FREDERICK A. LEAVITT, EDWARD W. HUNT, and RUSSELL T. BATES, met at the time and place specified in said order, when and where the petitioners appeared, and the towns of BELLINGHAM and FRANKLIN were represented by their Selectmen; and the said Commissioners 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 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 Selectmen's office in Franklin on the sixteenth day of July, 1940, 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 to a meeting of said Commissioners held at Dedham, aforesaid, on the tenth day of February, 1942, when and where upon the adjudication aforesaid, the Commissioners appointed the third day of March, 1942, and two-thirty o'clock in the afternoon, at the Court House in Dedham as the time and place when and where they would proceed to 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, 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 said MAPLE STREET, as prayed for in said petition.

And the lines of said relocation of said MAPLE STREET are as follows:-

The westerly line begins at a stone bound, which bound is on the southerly side of Lake Street, Bellingham as laid out by the Norfolk County Commissioners by Return dated October 15, 1935, said bound being 0.40 ft. easterly from the Bellingham-Franklin town line between BF-7 and BF-8; thence N-1-07-40-W a distance of 299.69 ft. to the town corner between the towns of Bellingham and Franklin known as BF-7; thence N-37-18-20-W on the new Bellingham-Franklin town line as established by Chapter 641 of the Acts of 1941 a distance of 34.59 ft. to a stone bound, said bound being on the northerly line of Lake Street, Bellingham as laid out by the Norfolk County Commissioners by Return dated October 15, 1935; thence northerly by a curve with a radius of 500.00 ft. a distance of 178.34 ft. to a stone bound; thence N-2-54-W a distance of 519.94 ft. to a stone bound; thence continuing on the same course a distance of 550.00 ft. to a stone bound; thence by a curve to the right with a radius of 1250.00 ft. a distance of 322.52 ft. to a stone bound; thence N-11-53-E a distance of 230.90 ft. to a stone bound; thence by a curve to the left with a radius of 1200.00 ft. a distance of 250.05 ft. to a stone bound; thence N-00-03-20-W a distance of 677.22 ft. to a stone bound; thence by a curve to the right with a radius of 3250.00 ft. a distance of 417.07 ft. to a stone bound; thence N-7-17-50-E a distance of 304.55 ft. to a stone bound, which bound is on the new Bellingham-Franklin town line as established by Chapter 641 of the Acts of 1941; thence continuing on the same course a distance of 463.55 ft. to a stone bound; thence N-6-03-E a distance of 599.73 ft. to a stone bound; thence continuing on the same course a distance of 556.10 ft. to a stone bound; thence N-8-54-50-E a distance of 791.67 ft. to a stone bound; thence N-6-26-30-E a distance of 782.38 ft. to a stone bound; thence continuing on the same course a distance of 750.00 ft. to a stone bound; thence by a curve to the left with a radius of 50.00 ft. a distance of 95.41 ft. to a stone bound, which bound is on the southerly line of Mechanic Street, Bellingham as laid out by the Massachusetts Department of Public Works on August 11, 1904.

The easterly line begins at a point, which point is N-88-51-30-E a distance of 33.00 ft. from the first bound on the westerly line as above described; thence N-00-06-40-W a distance of 479.05 ft. to a stone bound; thence N-2-54-W a distance of

519.94 ft. to a stone bound; thence continuing on the same course a distance of 550.00 ft. to a stone bound; thence by a curve to the right with a radius of 1200.00 ft. a distance of 309.62 ft. to a stone bound; thence N-11-53-E a distance of 280.90 ft. to a stone bound; thence by a curve to the left with a radius of 1250.00 ft. a distance of 260.47 ft. to a stone bound; thence N-00-03-20-W a distance of 677.22 ft. to a stone bound; thence by a curve to the right with a radius of 3200.00 ft. a distance of 410.66 ft. to a stone bound; thence N-7-17-50-E a distance of 305.15 ft. to a stone bound, which bound is on the new Bellingham-Franklin town line as established by Chapter 641 of the Acts of 1941; thence by the same course 463.49 ft. to a stone bound; thence N-6-03-E a distance of 600.27 ft. to a stone bound; thence continuing on the same course 554.86 ft. to a stone bound; thence N-8-54-50-E a distance of 791.51 ft. to a stone

bound; thence N-6-26-30-E a distance of 783.46 ft. to a stone bound; thence continuing on the same course a distance of 781.56 ft. to a stone bound; thence by a curve to the right with a radius of 80.00 ft. a distance of 98.55 ft. to a stone bound, which bound is on the southerly line of Mechanic Street, Bellingham, as laid out by the Massachusetts Department of Public Works on March 27, 1928, said bound being N-77-06-40-E a distance of 47.17 ft. and N-77-01-30-E a distance of 133.02 ft. from the last bound on the westerly line as above described.

The easterly line heretofore described, in general, is 50.00 ft. easterly from and parallel to the westerly line, all as shown upon a plan entitled "Plan and Profile showing the Relocation and Widening of a portion of Maple Street, Bellingham and Franklin, from Prospect Street, Franklin and Lake Street, Bellingham to Mechanic Street, Bellingham as made by the Norfolk County Commissioners by Return dated July 7, 1942. Horizontal Scale: 1 inch = 40 feet. Vertical Scale: 1 inch = 8 feet. Wallace S. Carson, County Engineer." 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 reloca-

tion hereinbefore described and as shown on the plan hereinbefore referred to and made a part hereof in accordance with Chapter 79 of the General Laws and all acts and amendments thereof and in addition thereto.

And the said Commissioners do likewise further take all the easements in lands adjoining the location of said way as hereby established, consisting of the right to have the lands of said location protected by having the surface of the adjoining land slope from the lines of said location as indicated on said plan.

And permanent stone bounds will be erected at the termini and angles of said way relocated as aforesaid.

And it is determined by the Commissioners that all portions of the existing highway lying outside the lines herein established are hereby discontinued.

And it is determined by the Commissioners that the Inhabitants of the towns of BELLINGHAM and 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.

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

Suitable sidewalks, gutters, culverts, retaining walls, fences and railings shall be constructed wherever, in the opinion of the County Commissioners, they are needed, provided however, no trees more than one and one half inches in diameter one foot above the ground shall be removed in the course of work done under this paragraph until the County Commissioners have been given notice of the intention to remove such trees and their assent thereto in writing has been given to the Inhabitants of the towns of BELLINGHAM and Franklin.

And it is determined by the Commissioners that all the expenses of making the relocation of 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 towns of BELLINGHAM and FRANKLIN.

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 towns of BELLINGHAM and 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 the said way.

<u>Parcel Number</u>	<u>Owner</u>	<u>Approximate Sq.Ft. Taken</u>	<u>Award</u>
<u>FRANKLIN</u>			
1.	Will L. Crooks	3,400	\$ 1.00
2.	Ellsworth R. Crooks	11,500	2.00
3.	John Ketover	2,350	1.00
4.	Ellsworth R. Crooks	11,600	2.00
18.	Adelbert H. Whipple, Ld.Ct. Cert. #27573, Bk.133, P.173	7,800	1.00
19.	Flora E. Simmonds	2,100	1.00
20.	Flora E. Simmonds	3,300	2.00
21.	William L. and Adelbert H. Whipple	8,200	1.00
22.	Charles F. Crooks	650	1.00
23.	Charles F. Crooks	2,630.	2.00
TOTAL			\$ 14.00

<u>Bellingham</u>			
5.	Ellsworth R. Crooks	1,670	1.00
6.	Samuel Twist et ux	1,200	1.00
7.	George A. Twist et ux	5,860	2.00
8.	Adam E. Armstrong Jr., et ux	2,800	5.00
9.	Edna M. White	36,200	5.00
10.	William L. Glockner	3,700	20.00
10-A.	William L. Glockner, Socony Vacuum Oil Company, Inc. Lessee	300	1.00
11.	Rose M. Davis	1,920	10.00
12.	Rose M. Davis	2,250	15.00
13.	Florea M. Hebert et ux Ld.Ct.Cert #21848, Bk.110, P.48	2,050	5.00

14.	Florea M. Hebert et ux, Ld.Ct. Cert.#21848, Bk.110, P.48	2,950	8.00
15.	Albert Fecon, Ld.Ct. Cert #22768 Bk.114, P.168	3,150	3.00
16.	Albert Fecon, Ld.Ct. Cert #22768 Bk.114, P.168	1,950	2.00
17.	Adelbert H. Whipple, Ld.Ct. Cert. #27573, Bk.138, P.173	5,900	<u>1.00</u>
	TOTAL		‡ 79.00

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 seventh day of July, 1942, 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 be transmitted to the Clerks of the towns of BELLINGHAM and FRANKLIN within the limits of which said highway described therein lies, that the same may be recorded by said Clerks, within ten days, in the book of records kept in said towns for that purpose.

FREDERICK A. LEAVITT

EDWARD W. HUNT

RUSSELL T. BATES  
COUNTY COMMISSIONERS

A true copy,

ATTEST: Willard Everett CLERK

Rec'd & entered for record Aug.4,1942 at 3h.28m.P.M.