

#319

NORFOLK, SS.

At a meeting of the County Commissioners for the County of Norfolk, held at Dedham, within and for said County, on the third day of September, 1946, by adjournment of their June 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 common convenience and necessity require that the way known as MIDDLE STREET, a public way in said town, be relocated between Union Street and Liberty Street for the purpose of widening and improving.

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

Dated August 7, 1945.

Henry D. Higgins
John W. Mahar
Henry H. Storm
Jonathan W. French
Marjorie H. Bickford

* * * * *

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 August, 1945, by adjournment of their June meeting next preceding; and the twenty-third day of October, 1945, and two-thirty o'clock in the afternoon at the Court House in said Dedham were appointed by said 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 Braintree being the town 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 and of said order of notice to be posted in two public places in said town; and to be published in the Braintree

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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 twenty-third day of October, 1945, the Commissioners, 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 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 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 Town Hall in Braintree on the eighth day of January, 1946, 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 a meeting of said Commissioners held at Dedham aforesaid on the ninth day of July, 1946, when and where upon the adjudication aforesaid the said Commissioners appointed the sixth day of August, 1946 and four o'clock in the afternoon at the Town Hall in Braintree 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 continued and adjourned from time to time to this meeting.

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

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

The easterly line begins at a stone bound which is on the southerly line of Union Street as laid out by the Norfolk County Commissioners by Return dated February 3, 1925; thence S-18-43-50-E a distance of 575.10 ft. to a stone bound; thence by a curve to the left with a radius of 1000.00 ft. a distance of 271.01 ft. to a stone bound; thence S-34-15-30-E a distance of 180.07 ft. to a stone bound; thence by a curve to the right with a radius of 850.00 ft. a distance of 558.55 ft. to a stone bound; thence S-3-23-30-W a distance of 279.02 ft. to a stone bound; thence by a curve to the left with a radius of 3000.00 ft. a distance of 103.41 ft. to a stone bound; thence S-1-25-00-W a distance of 535.01 ft. to a stone bound; thence by a curve to the left with a radius of 800.00 ft. a distance of 591.32 ft. to a stone bound; thence S-40-56-00-E a distance of 110.00 ft. to a stone bound; thence by a curve to the right with a radius of 1150.00 ft. a distance of 295.83 ft. to a stone bound; thence by a curve to the left with a radius of 72.68 ft. a distance of 139.32 ft. to a stone bound which is on the westerly

line of Liberty Street as laid out by the Norfolk County Commissioners by Return dated September 3, 1946.

The westerly line begins at a stone bound which is on the southerly line of Union Street as laid out by the Norfolk County Commissioners by Return dated February 3, 1925, said bound being S-29-25-20-W a distance of 67.13 ft. from the first bound on the easterly line as above described; thence S-18-43-50-E a distance of 530.32 ft. to a stone bound; thence by a curve to the left with a radius of 1050.00 ft. a distance of 284.56 ft. to a stone bound; thence S-34-15-30-E a distance of 180.07 ft. to a stone bound; thence by a curve to the right with a radius of 800.00 ft. a distance of 525.69 ft. to a stone bound; thence S-3-23-30-W

a distance of 279.02 ft. to a stone bound; thence by a curve to the left with a radius of 3050.00 ft. a distance of 105.13 ft. to a stone bound; thence S-1-25-00-W a distance of 535.01 ft. to a stone bound; thence by a curve to the left with a radius of 850.00 ft. a distance of 628.27 ft. to a stone bound; thence S-40-56-00-E a distance of 110.00 ft. to a stone bound; thence by a curve to the right with a radius of 1100.00 ft. a distance of 189.43 ft. to a stone bound; thence by a curve to the right with a radius of 97.70 ft. a distance of 195.13 ft. to a stone bound which is on the westerly line of Pearl Street as laid out by the Town of Braintree on March 13, 1916, said bound also being on the westerly line of Liberty Street as laid out by the Norfolk County Commissioners by Return dated September 3, 1946 and said bound being S-43-58-20-W a distance of 57.20 ft. and S-83-22-00-W a distance of 241.49 ft. from the last bound on the easterly line as above described.

The westerly line heretofore described, in general, 50.00 ft. westerly from and parallel to the easterly line.

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 the grade thereof is established, all as shown upon a plan entitled "Plan and Profile showing the Relocation and Widening of a Portion of Middle Street, Braintree from Union Street to Liberty Street as made by the Norfolk County Commissioners by Return dated September 3, 1946. Horizontal Scale: 1 inch = 40 feet. Vertical Scale: 1 inch = 8 feet. Wallace S. Carson, County Engineer" and signed by "Frederick A. Leavitt, Chairman" which plan is filed herewith and made a part of this Return in accordance with the provisions of 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 with the exception of that portion between Liberty Street and station 6 + 50 which discontinuance shall not take effect until a sufficient travelled way adjacent thereto within the new location has been completed and opened for use by the public.

And it is determined by the Commissioners, that the Inhabitants of the town of BRAINTREE, do within five 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-six (26) feet in width.

Suitable sidewalks, gutters, culverts, retaining walls, fences and railing 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 town of BRAINTREE.

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 expense 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 af-

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.

<u>Parcel Number</u>	<u>Owner.</u>	<u>Approximate Sq.Ft. Taken</u>	<u>Award</u>
1.	Denis R. Smith Jr., et ux Mtg: Braintree Cooperative Bank	720	10.00
2.	Charles D. MacGregor (James MacGregor, Sr. et ux, Life Estate)	2900	35.00
3.	Mary T. Horte	700	5.00
4.	Frank Mariani et ux	280	10.00
5.	Edward T. Dwyer et ux	30	1.00
6.	Richard W. Scholz	6850	25.00
7.	Richard W. Scholz	8800	25.00
8.	Richard W. Scholz et ux Mtg: Irma Nason	22150	100.00
9.	Richard W. Scholz et ux Mtg: Weymouth Savings Bank Mtg: Irma Nason	2050	10.00
10.	Maurice A. Esson et ux Mtg: Second Federal Savings and Loan Association of Boston	150	1.00
11.	Mary T. Horte et al	450	20.00
12.	Maurice A. Esson et ux Mtg: Second Federal Savings and Loan Association of Boston	5	1.00
13.	George R. Ward et ux	3400	10.00
14.	Donalda E. Bowman Mtg: Braintree Savings Bank	120	10.00
TOTAL			\$ 263.00

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 three 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 third day of September, 1946, 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 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: Willard E. Bennett CLERK

Rec'd & entered for record Sept. 27, 1946 at 3h. 48m. P.M.