

#326

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 second day of September, 1947, by adjournment of their June meeting next preceding:-

The petition of the BOARD OF SELECTMEN of the town of Canton in said County, represents as follows:-

Commonwealth of Massachusetts

Norfolk, ss.

To the Honorable the County Commissioners of the County of Norfolk:-

Under the provisions of Chapter 159, Section 59 of the General Laws, as amended, the Board of Selectmen deem it necessary for the security and convenience of the public that an alteration should be made in connection with the crossing of Washington Street, Canton and the tracks of the Boston and Providence Railroad (New York, New Haven and Hartford Railroad Co., Lessee) Stoughton Branch, and herewith respectfully petition your Board to prescribe the manner and limits within which said alteration shall be made in accordance with the above mentioned statute.

Carlton B. Taber
Maurice E. Ronayne, Jr.
John L. Howard

Board of Selectmen of
the Town of Canton

Dated May 7, 1947

This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, aforesaid, on the twentieth day of May, 1947 by adjournment of their April meeting next preceding: and the first day of July then next and three o'clock in the afternoon 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 Canton, being the town within which such alteration of crossing was prayed for, fifteen days, and upon Bentley W. Warren and Charles W. Mulcahy, as they are Trustees of the Boston and Providence Rail-

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road Corp; and upon Howard S. Palmer, James Lee Loomis and Henry B. Sawyer as they are Trustees of the New York, New Haven and Hartford Railroad Company fourteen 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 Canton Journal, 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 first day of July, 1947, 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 Selectmen of the Town of Canton were represented by Maurice E. Ronayne, Jr., and the Boston and Providence Railroad Corporation was represented by Mr. Troy, counsel; and the New York, New Haven and Hartford Railroad Company was represented by George P. Elliott, District Engineer and Mr. Gulick, Corporation Counsel; and the said Commissioners heard all persons and corporations interested; and no party interested objected; and thence the same was continued and adjourned to a meeting of said Commissioners held on the eighth day of July, 1947 when and where the said Commissioners did decide that the alteration of said crossing as prayed for in said petition is necessary.

And thence the same was continued and adjourned from time to time to this meeting.

And now the said Commissioners, in accordance with the provisions of General Laws, Chapter 159, Sections 59 and 60, do decide that said crossing be altered as prayed for in said petition, and do prescribe the manner and limits within which such alteration shall be made.

The westerly line begins at a stone bound on the westerly line of Washington Street as laid out by the Norfolk County Commissioners by Return dated February 27, 1912, being on the southerly boundary of land owned by the Boston and Providence Railroad Corporation (New York, New Haven and Hartford Railroad Company, Lessee), thence N-4-01-40-W a distance of 10.00 ft; thence N-2-56-20-E a distance of 83.67 ft. to a stone bound which is on the westerly line of Washington Street as laid out by the Norfolk County Commissioners by Return dated October 23, 1928.

The easterly line begins at a stone bound on the easterly line of Washington Street as laid out by the Norfolk County Commissioners by Return dated November 5, 1875, being on the southerly line of location of the Boston and Providence Railroad Corporation (New York, New Haven, and Hartford Railroad Company, Lessee) said bound being S-78-37-40-E a distance of 10.37 ft. and S-67-00-00-E a distance of 56.23 ft. from the first bound on the westerly line as above described; thence N-1-21-25-E a distance of 92.82 ft. to a stone bound which is on the easterly line of Washington Street, as laid out by the Norfolk County Commissioners by Return dated October 23, 1928, said bound being S-69-02-30-E a distance of 55.10 ft. and on a curve with a radius of 3629.35 ft. a distance of 10.39 ft. from the last bound on the westerly line as above described.

And the said Commissioners do hereby take for the purpose of a highway all the easements and rights incident to a public highway in the lands included within the lines of alteration hereinbefore described and the grade thereof is established, all as shown upon a plan entitled "Plan and Profile showing Alteration of Railroad Crossing and Approaches of Washington Street, Canton as made by the Norfolk County Commissioners by Decision dated September 2, 1947. Horizontal Scale: 1 inch = 20 feet. Vertical Scale: 1 inch = 4 feet. Wallace S. Carson,

County Engineer." and signed "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 meaning to include land designated for highway purposes by agreement of March 2, 1912 and the layout by the Norfolk County Commissioners November 5, 1875.

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.

And permanent stone bounds will be erected at the termini and angles of said way altered 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, together with the pre-existing railroad crossing.

The travelled part of said way shall be constructed not less than forty-four (44) feet in width and shall be of bituminous concrete construction, and suitable sidewalks shall be constructed on either side of the travelled way of either concrete or asphalt material or both.

And the Commissioners determine that the existing structures such as gate tender's building, gate standards and the northerly track shall be removed from within the location.

And the Commissioners further determine that proper measures shall be taken for the protection of the public which will meet with the approval of the Department of Public Utilities.

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.

<u>Parcel Number</u>	<u>Owner</u>	<u>Sq. Ft. Taken</u>	<u>Award</u>
1.	Charles W. Mulcahy, Trustee of the Boston and Providence Railroad Corporation (New York, New Haven and Hartford Railroad Company, Lessee)	530	No award
2.	Charles W. Mulcahy, Trustee of the Boston and Providence Railroad Corporation (New York, New Haven and Hartford Railroad Company, Lessee)	4355	No award
3.	Charles W. Mulcahy, Trustee of the Boston and Providence Railroad Corporation (New York, New Haven and Hartford Railroad Company, Lessee)	430	No award

FREDERICK A. LEAVITT

RUSSELL T. BATES

EDWARD W. HUNT

COUNTY COMMISSIONERS

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

At a meeting of the County Commissioners, held at Dedham, on Tuesday, the second day of September, 1947 by adjournment of their June meeting next preceding:-

ORDERED: That the foregoing Decision be filed, accepted and recorded, and that an attested copy thereof be transmitted to the Clerk of the Town of Canton, the Department of Public Utilities and to the Boston and Providence Railroad Corporation (New York, New Haven and Hartford Railroad Co., Lessee)

FREDERICK A. LEAVITT

RUSSELL T. BATES

EDWARD W. HUNT

COUNTY COMMISSIONERS

A true copy,

ATTEST: *Willard Smith* CLERK