

#373

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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 which the limits of 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

RUSSELL T. BATES

CLAYTON W. NASH

COUNTY COMMISSIONERS

A true copy

ATTEST: Willard Everett CLERK

Rec'd & entered for record Sept. 21, 1951 at 12h. 19m. P.M.

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 fourth day of September, 1951, by adjournment of their June Meeting next preceding:

The petition of JOHN W. MAHAR 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 HOWARD STREET, a public way in said town, be relocated between Hayward Street and the Quincy Line for the purpose of relocating and widening.

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

Dated June 20, 1950

John W. Mahar  
John Q. Wentworth  
Raymond P. Palmer  
Albert E. Roberts  
Richard A. Hunt

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This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held

See Plan Nos. 1117 to 1119 incl of 1951 in P. 176. 166

at Dedham, aforesaid on the fifth day of July, 1950, by adjournment of their June Meeting next preceding and the twenty-fifth day of July, 1950 and two-thirty o'clock in the afternoon at the Court House in 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 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 said twenty-fifth day of July, 1950, the Commissioners, Frederick A. Leavitt, Russell T. Bates and Clayton W. Nash 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 upon the adjudication aforesaid the Commissioners appointed the twenty-second day of May, 1951 and two o'clock in the afternoon at the Town Hall in BRAINTREE as the time and place when 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 continued and adjourned from time to time to this meeting.

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

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

The westerly line begins at a stone bound on the northerly line of Hayward Street as laid out by the Norfolk County Commissioners by Return dated October 1, 1929; thence northeasterly by a curve with a radius of 102.91 ft. a distance of 109.59 ft. to a stone bound; thence by a curve to the right with a radius of 1113.18 ft. a distance of 191.35 ft. to a stone bound; thence by a curve to the left with a radius of 22.00 ft. a distance of 36.80 ft. to a stone bound which is on the southerly line of Highland Avenue; thence N-30-09-20-E a distance of 37.06 ft. to a stone bound which is on the northerly line of Highland Avenue; thence northeasterly by a curve with a radius of 20.00 ft. a distance of 31.02 ft. to a stone bound; thence by a curve to the left with a radius of 500.00 ft. a distance of 119.56 ft. to a stone bound; thence N-3-49-40-E a distance of 144.17 ft. to a stone bound; thence by a curve to the left with a radius of 20.00 ft. a distance of 27.01 ft. to a stone bound which is on the southerly line of Howard Court as laid out by the Town of Braintree on April 4, 1949; thence N-21-27-E a distance of 35.00 ft. to a stone bound which is on the northerly line of Howard Court as laid out by the Town of Braintree on April 4, 1949; thence northeasterly by a curve with a radius of 20.00 ft. a distance of 29.61 ft. to a stone bound; thence N-21-04-40-E a distance of 366.70 ft. to a stone bound; thence by a curve to the right with a radius of 650.00 ft. a distance of 191.41 ft. to a stone bound; thence by a curve to the left with a radius of 279.33 ft. a distance of 216.04 ft. to a stone bound; thence N-6-21-50-W a distance of 248.46 ft. to a stone bound; thence by a curve to the left with a radius of 800.00 ft. a distance of 327.35 ft. to a stone bound; thence N-29-48-30-W a distance of 77.99 ft. to a stone bound; thence by a curve to the right with

a radius of 1060.00 ft. a distance of 266.24 ft. to a stone bound which is on the Quincy-Braintree Town Line.

The easterly line begins at a stone bound on the northerly line of Hayward Street as laid out by the Norfolk County Commissioners by Return dated October 1, 1929; said bound being N-73-24-E a distance of 60.64 ft., N-8034-20-E a distance of 54.09 ft. and N-89-08-20-E a distance of 33.74 ft. from the first bound on the westerly line as above described; thence northwesterly by a curve with a radius of 26.90 ft. a distance of 48.30 ft. to a stone bound; thence by a curve to the right with a radius of 1063.18 ft. a distance of 215.35 ft. to a stone bound; thence by a curve to the left with a radius of 550.00 ft. a distance of 190.01 ft. to a stone bound; thence N-3-49-40-E a distance of 68.46 ft. to a stone bound; thence by a curve to the right with a radius of 500.00 ft. a distance of 150.53 ft. to a stone bound; thence N-21-04-40-E a distance of 344.84 ft. to a stone bound; thence by a curve to the right with a radius of 600.00 ft. a distance of 176.69 ft. to a stone bound; thence by a curve to the right with a radius of 60.00 ft. a distance of 116.41 ft. to a stone bound which is on the westerly line of Shaw Street; thence N-71-59-20-E a distance of 61.55 ft. to a stone bound which is on the easterly side of Shaw Street; thence northerly by a curve with a radius of 600.00 ft. a distance of 256.77 ft. to a stone bound; thence N-6-21-50-W a distance of 234.10 ft. to a stone bound; thence by a curve to the left with a radius of 860.00 ft. a distance of 351.90 ft. to a stone bound; thence N-29-48-30-W a distance of 77.99 ft. to a stone bound; thence by a curve to the right with a radius of 1000.00 ft. a distance of 216.00 ft. to a stone bound which is on the Quincy-Braintree Town Line; said bound being N-76-54-50-E a distance of 40.40 ft. and southeasterly by the town line a distance of 38.00 ft. more or less from the last bound on the westerly line as above described.

The westerly line heretofore described, in general, is 60.00 ft. westerly from and parallel to the easterly line between Shaw Street and the Quincy-Braintree Town Line; and 50.00 ft. westerly from and parallel to the easterly line between Hayward Street and Shaw Street.

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 Howard St., Braintree between Hayward St. and the Quincy-Braintree Town Line as made by the Norfolk County Commissioners by Return dated Sept. 4, 1951. 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.

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 thirty (30) 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 Town of BRAINTREE.

And it is determined by the Commissioners that all the expense of making the relocation of way 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.

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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.

<u>Parcel Number</u>	<u>Owner</u>	<u>Approximate Sq. Ft. Taken</u>	<u>Award</u>
2.	Alpheus C. Creswell et ux	30	1.00
3.	Helen F. McIlvin	30	1.00
5.	James W. Slauson et ux	130	1.00
6.	James W. Slauson et ux Ld. Ct. Cert #27250, Bk. 137, P. 50 Mtg: Wollaston Federal Savings and Loan Association	718 Slope easement	270.00
7.	James W. Slauson et ux	600 Slope easement	25.00
8.	Roger B. Spafford et ux Mtg: Second Federal Savings and Loan Association of Boston	10	No award
9.	Roger B. Spafford et ux Mtg: Second Federal Savings and Loan Association of Boston	70	10.00
10.	William T. Stewart et ux Mtg: Workingmen's Cooperative Bank	470	100.00
11.	Raymond F. Campbell, Jr., et ux Mtg: Shipbuilders' Cooperative Bank	930	200.00
12.	Francis L. Leben, Jr.	1850 Slope easement	50.00
13.	L. Francis Leben	570 Slope easement	100.00

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14.	Howard D. Landers et ux	60	5.00	
15.	Charles A. Lund Mtg: Weymouth Savings Bank	4240 Slope easement	100.00	
16.	Charles A. Lund Mtg: Weymouth Savings Bank	270 Slope easement	1.00	
17.	Charles A. Lund Mtg: Weymouth Savings Bank	190 Slope easement	1.00	
18.	Henry N. Worthington et al	5310 Slope easement	10.00	
19.	William O. Faulkner	20	No award	
20.	Herbert A. Snow et ux	20	1.00	
21.	Sun Oil Company	2540	25.00	
22.	Albert E. Roberts	4050 Slope easement	5.00	
23.	Old Way (Owners Unknown)	580 Slope easement	No award	
24.	Industrial Properties, Inc. Ld. Ct. Cert. #37149, Bk. 186, P. 149 Quintree Theatre, Inc., Lessee	9195 Slope easement	1.00	
	<u>Parcel Number</u>	<u>Owner</u>	<u>Approximate Sq. Ft. Taken</u>	<u>Award</u>
25.	James Harrison et ux	2320	150.00	
26.	James Harrison et ux	330	20.00	
27.	James Harrison et ux	300	15.00	
28.	Percy Newman et ux Mtg: West Roxbury Cooperative Bank	390	115.00	
29.	John R. Peterson Jr. et ux Mtg: Boston Five Cents Savings Bank	380	115.00	
30.	Arvo V. Jokinen et ux Mtg: Braintree Cooperative Bank	300	100.00	
31.	Carl T. G. Elvin et ux Mtg: South Shore Cooperative Bank	200	60.00	
32.	Town of Braintree	280	No award	
33.	Martin F. Pelrine et ux Mtg: Wollaston Federal Savings and Loan Association	550	100.00	
34.	Louisa Emma Mattulina	880 Slope easement	200.00	
35.	Howard Place	560 Slope easement	No award	
36.	Alice L. Connors et al Mtg: Weymouth Savings Bank	780 Slope easement	250.00	
37.	Harry M. Wight et ux Mtg: Weymouth Savings Bank	670	165.00	
38.	Harry M. Wight et ux Mtg: Weymouth Savings Bank	220 Slope easement	10.00	
39.	Vincent J. Balukonis Jr. Et ux Mtg: Granite Trust Company	20 Slope easement	No award	
40.	Samuel G. Trevains et ux	100	5.00	

41.	Samuel G. Trevains et ux Mtg: Quincy Cooperative Bank	110	5.00
41a	Martha B. Farmer	Slope easement	1.00
42.	Ida C. Sward	80	1.00
TOTAL			\$ 2219.00

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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 entry is made or possession taken for the purpose of constructing said way.

FREDERICK A. LEAVITT

RUSSELL T. BATES

CLAYTON W. NASH

COUNTY COMMISSIONERS

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

At a meeting of the County Commissioners, held at Dedham, on Tuesday, the fourth day of September, 1951, 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 which the limits of 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

RUSSELL T. BATES

CLAYTON W. NASH

COUNTY COMMISSIONERS

A true copy,

ATTEST: Willard E. Everett Clerk