

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 twenty-second day of September, 1953:-

Chapter 309 of the Acts and Resolves of the General Court for the year 1952 represents as follows:-

Chapter 309

AN ACT PROVIDING FOR THE ESTABLISHMENT OF A RIGHT OF WAY FOR PUBLIC ACCESS TO SOUTH END POND IN THE TOWN OF MILLIS

Be it enacted, etc., as follows:-

Section 1. The County Commissioners of Norfolk County are hereby authorized and directed to lay out a right of way for public access to South End pond in the town of Millis in accordance with plans to be approved by the department of public works, and showing the location and dimensions of such right of way. If it is necessary to acquire land for the purpose of laying out such right of way, said county commissioners shall at the time such right of way is laid out take such land by eminent domain under chapter seventy-nine of the General Laws. Any person sustaining damages in his property by the laying out of such right of way, or by specific repairs or improvements thereon, shall be entitled to recover the same under said chapter seventy-nine; provided, that the right to recover damages, if any, by reason of the laying out of such right of way, shall vest upon the recording of the order of taking by said county commissioners and that no entry or possession for the purpose of constructing a public way on land so taken shall be required for the purpose of validating such taking or for the payment of damages by reason thereof.

Section 2. The town of Millis from time to time may make specific repairs on or improve such right of way to such extent as it may deem necessary, but neither the county of Norfolk nor any city or town therein shall be required to keep such right of way in repair, nor shall they be liable for injury sustained by persons traveling thereon; provided, that sufficient notice to warn the public is posted where such way enters upon or unites with an existing public way.

Section 3. All expenses incurred by said county commissioners in connection with such right of way shall be borne by the county of Norfolk, or by such cities and towns therein, and in such proportions, as said county commissioners may determine.

Section 4. Said right of way shall not be discontinued or abandoned without authority therefor from the general court.

Section 5. Nothing in this act shall be construed to limit the powers of the department of public health, or of any local board of health, under any general or special law.

Approved May 8, 1952.

At a meeting of the County Commissioners, held at Dedham, on the twenty-sixth day of August, 1952, by adjournment of their June meeting next preceding, the said Commissioners appointed the ninth day of September, 1952 and two thirty o'clock in the afternoon at the Town Hall in Millis as the time and place for commencing and proceeding to view the premises; and they thereupon caused a copy of a notice of hearing to be published in the Dedham Transcript, a newspaper printed in Dedham, and

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Refer to Res. No. 1355-1357 incl. St. Am. 181.

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posted up in two or more public places in the town of Millis that all persons and corporations interested for or against said layout might then and there appear and be heard if they saw fit.

And on the said ninth day of September, 1952, the Commissioners, Frederick A. Leavitt, Russell T. Bates and Clayton W. Nash, met at the time and place specified in said notice, and then viewed the route and premises, and heard all persons and corporations interested.

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

Approval for the location of said right of way was obtained from the Department of Public Works on June 8, 1953

And now the said Commissioners, by courses and distances, metes and bounds do layout said right of way as directed.

And the lines of said right of way are as follows:-

The northerly line begins at a stone bound on the easterly line of Orchard Street as laid out by the Norfolk County Commissioners by Return dated April 28, 1931; thence southeasterly by a curve with a radius of 30.00 ft. a distance of 43.49 ft. to a stone bound; thence S-42-27-40-E a distance of 365.29 ft. to a stone bound; thence by a curve to the left with a radius of 300.00 ft. a distance of 287.51 ft. to a stone bound; thence N-82-37-40-E a distance of 299.10 ft. to a stone bound; thence N-86-53-40-E a distance of 986.21 ft. to a stone bound; thence by a curve to the left with a radius of 120.00 ft. a distance of 89.52 ft. to a stone bound; thence N-44-09-E a distance of 38.00 feet, more or less, to the high water line of South End Pond.

The southerly line begins at a stone bound on the easterly line of Orchard Street as laid out by the Norfolk County Commissioners by Return dated April 28, 1931, said bound being S-40-35-50-W a distance of 100.74 ft. from the first bound on the northerly line as above described; thence northeasterly by a curve with a radius of 30.00 ft. a distance of 50.76 ft. to a stone bound; thence S-42-27-40-E a distance of 353.11 ft. to a stone bound; thence by a curve to the left with a radius of 340.00 ft. a distance of 325.85 ft. to a stone bound; thence N-82-37-40-E a distance of 297.60 ft. to a stone bound; thence N-86-53-40-E a distance of 976.03 ft. to a stone bound; thence by a curve to the right with a radius of 120.00 ft. a distance of 98.97 ft. to a stone bound; thence S-45-51-E a distance of 55.26 ft. to a

stone bound; thence by a curve to the left with a radius of 40.00 ft. a distance of 62.83 ft. to a stone bound; thence N-44-09-E a distance of 115.00 feet, more or less, to the high water line of South End Pond.

The southerly line heretofore described, in general, is 40.00 ft. southerly from and parallel to the northerly line.

And the said Commissioners do hereby take for the purposes of a public way all the fee and rights incident to a public way in the lands included with the lines of location hereinbefore described and the grade thereof is established all as shown upon a plan entitled "Plan and Profile showing the Right of Way to South End Pond, Millis, Mass. as laid out by the Norfolk County Commissioners as authorized and directed by Chapter 309 e Acts of 1952. Horizontal Scale: 1 inch = 40 feet. Vertical Scale: 1 inch = 8 feet. Sept. 22, 1953. Wallace S. Carson, County Engineer." and signed by "Frederick A. Leavitt, Russell T. Bates, and Clayton W. Nash, County Commissioners" 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 located as aforesaid.

And it is determined by the Commissioners that all the expense of making the layout of this right of way and all land and other damages and expenses incident thereto, be paid by the Inhabitants of the Town of Millis.

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

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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 Millis.

<u>Parcel Number</u>	<u>Owner</u>	<u>Sq. Ft. Taken</u>	<u>Award</u>
1.	Huna Rosenfeld et ux Mtg: Framingham Trust Co. Mtg: Nathan Rosenfeld et ux	70,600 Slope easement	\$1.00
2.	Fannie Charkovitz Mtg: Industrial Trust Co.	780	1.00
3.	Ruth P. Cunningham	32,300	1.00
TOTAL			\$ 3.00

And the said Commissioners do determine that the right to recover damages, by reason of this layout, shall vest upon the recording of this order of taking and that no entry or possession for the purpose of constructing a public way on land so taken shall be required for the purpose of validating such taking or for the payment of damages by reason thereof.

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, within and for said County, on the twenty-second day of September, 1953:-

ORDERED: that the foregoing Return and Order be filed, accepted and recorded, and that an attested copy thereof be transmitted to the Massachusetts Department of Public Works, and to the Clerk of the Town of MILLIS within which the limits of

said way 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.

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FREDERICK A. LEAVITT

RUSSELL T. BATES

CLAYTON W. NASH

COUNTY COMMISSIONERS

A true copy,

ATTEST: Willis A. Neal CLERK

Recorded Oct. 5, 1953 at 11h. 21m. A.M.

We, Leonard W. Cosgrove and Serena M. Cosgrove, husband and wife, both

of Braintree, Norfolk County, Massachusetts

FOR CONSIDERATION PAID, GRANT TO

Sarah Thorn Couch, a single woman,

of Quincy, Norfolk County, with

Quitclaim Covenants

A certain parcel of land with the buildings thereon situated in Braintree, Norfolk County, Massachusetts, being Lots No. 660, 661, 662, and 663 on a plan entitled "Harbor Villa, Section A, dated August 1911, by F. T. Westcott, Engineer, recorded with Norfolk Deeds, Plan Book 61, Plan 2901, and bounded and described, according to said plan, as follows:

SOUTHEASTERLY	on Pleasantview Avenue, eighty (80) feet;
NORTHEASTERLY	by Lot 664, one hundred (100) feet;
NORTHWESTERLY	by Lots 421, 422, 423, and 424,, eighty (80) feet; and
SOUTHWESTERLY	on Lot 659, one hundred (100) feet.
AREA	8,000 square feet of land.

Hereby conveying all and the same premises conveyed to said Leonard W. Cosgrove by Annie L. Davis, dated March 28, 1953, recorded with Norfolk Deeds, Book 3158, Page 55.