

Witness my hand and seal this sixth day of December A.D. 1958

#454

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George Willard Smith

Commonwealth of Massachusetts.

Willard, ss. *December, 1958*

Then personally appeared the above named

George Willard Smith

and acknowledged the foregoing instrument to be free act and deed, before me.

Richard W. Lowell
Justice of the Peace.
Notary Public.

My commission expires *Oct. 22, 1962*

Recorded Dec. 12, 1958 at 1h. 11m. 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 eighteenth day of November, 1958, by adjournment of their September meeting next preceding:-

The petition of HARRISON T. SMILEY 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 COMMON STREET, a public way in said town, be relocated between Station 35 + 0 and Granite Avenue 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 way may be relocated within the limits above specified.

Dated July 30, 1958

Harrison T. Smiley
Fred A. Tenney
Chester W. Nelson
Joseph M. Magaldi

Edward J. Rose
William G. Dyer
Frederick J. Klay
Mitchell W. Gawlowicz

This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, aforesaid on the fifth day of August, 1958, by adjournment of their June meeting next preceding: and the twenty-sixth day of August, 1958 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;

See Vol. 3695 R. 252.
Refer to plan nos 1710-1716-1958 G.L. Book #206.

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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-sixth day of August, 1958, the Commissioners, Russell T. Bates, Clayton W. Nash and Everett M. Bowker, 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 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 thirtieth day of September, 1958 and three-thirty 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 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 COMMON STREET as prayed for in said petition.

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

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The westerly and northerly line begins at a stone bound which is on the easterly line of Granite Street as laid out by the Massachusetts Department of Public Works on May 14, 1957; thence by said easterly line of Granite Street N-42-24-31-W a distance of 250.20 ft. to a stone bound and thence N-41-18-56-W a distance of 403.71 ft. to a stone bound, said portion being laid out by the Massachusetts Department of Public Works on the aforesaid date and on October 15, 1957; thence by a curve to the right with a radius of 240.00 ft. a distance of 356.20 ft. to a stone bound and thence by a curve to the right with a radius of 950.00 ft. a distance of 157.78 ft. to a stone bound; this line having been laid out by the Massachusetts Department of Public Works in part on May 14, 1957 in part on October 15, 1957 and in part on December 3, 1957 for the new Route #128; thence N-66-49-16-E a distance of 495.39 ft. to a stone bound, this line having been laid out by the Massachusetts Department of Public Works on December 3, 1957; thence N-74-34-52-E a distance of 853.95 ft. to a stone bound; thence S-15-25-08-E a distance of 20.00 ft. to a stone bound; thence N-74-34-52-E a distance of 84.98 ft. to a stone bound; these last three courses and distances are on the State Highway Layout of February 14, 1956; thence by a curve to the right with a radius of 1060.00 ft. a distance of 323.59 ft. to a stone bound; thence S-87-55-40-E a distance of 217.49 ft. to a stone bound; thence by a curve to the left with a radius of 1000.00 ft. a distance of 244.69 ft. to a stone bound; thence N-78-03-10-E a distance of 266.57 ft. to a stone bound; thence by a curve to the right with a radius of 800.00 ft. a distance of 237.29 ft. to a stone bound; thence S-84-57-10-E a distance of 77.89 ft. to a stone bound; thence by a curve to the left with a radius of 500.00 ft. a distance of 107.60 ft. to a stone bound; thence N-82-43-E a distance of 98.63 ft. to a stone bound which is on the northerly line of Common Street as laid out by the Norfolk County Commissioners by Return dated September 7, 1954.

The easterly and southerly line begins at a stone bound which is on the easterly line of Granite Street as laid out by the Massachusetts Department of Public Works on May 14, 1957, said bound being the same point of beginning as on the westerly and northerly line as above described; thence northerly by a curve with a radius of 50.00 ft. a distance of 91.25 ft. to a stone bound; thence N-62-09-30-E a distance of 144.56 ft. to a

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stone bound; thence northwesterly by a curve with a radius of 600.00 ft. a distance of 148.41 ft. to a stone bound; thence N-20-00-28-W a distance of 443.17 ft. to a stone bound; thence by a curve to the right with a radius of 400.00 ft. a distance of 84.68 ft. to a stone bound; thence by a curve to the right with a radius of 186.42 ft. a distance of 243.05 ft. to a stone bound; thence N-66-49-16-E a distance of 162.18 ft. to a stone bound; thence by a curve to the right with a radius of 790.00 ft. a distance of 107.00 ft. to a stone bound; thence N-74-34-52-E a distance of 351.68 ft. to a stone bound; thence by a curve to the right with a radius of 1990.00 a distance of 199.08 ft. to a stone bound; thence by a curve to the left with a radius of 2010.00 ft. a distance of 201.08 ft. to a stone bound; thence N-74-34-52-E a distance of 84.98 ft. to a stone bound; thence by a curve to the right with a radius of 990.00 ft. a distance of 302.22 ft. to a stone bound; thence by a curve to the right with a radius of 154.90 ft. a distance of 162.21 ft. to a stone bound; thence S-86-24-20-E a distance of 70.39 ft. to a stone bound; thence northeasterly by a curve with a radius of 60.00 ft. a distance of 123.58 ft. to a stone bound; thence by a curve to the left with a radius of 1060.00 ft. a distance of 222.47 ft. to a stone bound; thence N-78-03-10-E a distance of 266.57 ft. to a stone bound; thence by a curve to the right with a radius of 740.00 ft. a distance of 156.17 ft. to a stone bound; thence by a curve to the right with a radius of 31.74 ft. a distance of 73.75 ft. to a stone bound; thence S-43-16-20-W a distance of 256.92 ft. to a stone bound; thence by a curve to the right with a radius of 1000.00 ft. a distance of 311.01 ft. to a stone bound; thence S-28-54-30-E a distance of 60.00 ft. to a stone bound; thence northeasterly by a curve with a radius of 1060.00 ft. a distance of 329.67 ft. to a stone bound; thence N-43-16-20-E a distance of 155.00 ft. to a stone bound; thence by a curve to the right with a radius of 600.00 ft. a distance of 413.06 ft. to a stone bound which is on the southerly line of Common Street as laid out by the Norfolk County Commissioners by Return dated September 7, 1954, said bound being S-7-17-E a distance of 50.00 ft. from the last bound on the westerly and northerly line as above described.

The westerly and northerly line heretofore described is at variable widths to Station 14 + 79.43 from the easterly and

southerly line and, in general, 70.00 ft. northerly from the southerly line to Station 28 + 0 and, in general, 60.00 ft. northerly from the southerly line to Station 35 + 0.

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And the said Commissioners do hereby take for the purposes of a highway all the fee and rights incident to a public highway in the lands included within the lines of location 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 Common Street, Braintree from Granite Street easterly to a point about 4000 feet westerly of Washington Street as made by the Norfolk County Commissioners by Return dated Nov. 18, 1958. Horizontal Scale: 1 inch = 40 feet Vertical Scale: 1 inch = 8 feet. Wallace S. Carson, County Engineer." and signed by "Russell T. Bates, 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.

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Parcels 1, 2, 3, 4, and 7/are taken subject to a drainage easement taken by the Commonwealth of Massachusetts on October 15, 1957.

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 abandoned and the title transferred as follows:-

Parcel A-1	Federated Department Stores, Inc. Ld. Ct. Cert. No. 53701, Bk. 269, P. 101	11,600 sq. ft.
Parcel A-2	Gerald W. Blakely Jr., et al Trustees of Shopping Centers Investment Trust	32,300 sq. ft.
Parcel A-3	Ld. Ct. Cert. #60757 Bk. 304, P. 157 Federated Department Stores, Inc. Ld. Ct. Cert. #53701, Bk. 269, P. 101	41,800 sq. ft.
Parcel A-4	Federated Department Stores, Inc.	23,800 sq. ft.
Parcel A-5	Federated Department Stores, Inc. Ld. Ct. Cert. #58632, Bk. 294, P. 32	6,600 sq. ft.

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

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workmanlike manner and to the acceptance of the County Commissioners.

The travelled part of said way shall be constructed not less than forty-four (44) feet in width between Stations 12 and 35.

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 expense of making the relocation of way 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 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 said way.

<u>Pcl. No.</u>	<u>Owner</u>	<u>Approximate</u>		
		<u>Sq.Ft.</u>	<u>Tax Al-</u>	<u>Award</u>
		<u>Taken</u>	<u>lowance</u>	
1.	Federated Department Stores, Inc.	34100	1.88	1.00
2.	Federated Department Stores, Inc.	11100	4.18	1.00
3.	Anthony and Albert Avitabile	46200	10.20	1.00
4.	Federated Department Stores, Inc.	2800	.93	1.00
5.	Federated Department Stores, Inc. Ld.Ct.Cert. #53701, Blk.269, P.101	8881	.17	1.00

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7.	Federated Department Stores, Inc.	94200	6.37	1.00
8.	Federated Department Stores, Inc. Ld. Ct. Cert. #53701, Bk. 269, P. 101	85212	1.94	1.00
9.	Federated Department Stores, Inc. Ld. Ct. Cert. #53853, Bk. 270, P. 53	62416	1.72	1.00
10.	Federated Department Stores, Inc.	42000	2.90	1.00
11.	Harold H. Perham et ux	8880	.63	100.00
12.	Ledge Road Slope easement	500	-	No award
13.	Philip K. McCluskey et ux Ld. Ct. Cert. #50918, Bk. 255, P. 118 Mtg: Lever Cambridge Employees Credit Union	1296	.30	530.00

<u>Pcl. No.</u>	<u>Owner</u>	<u>Approximate Sq. Ft. Taken</u>	<u>Tax Al- lowance</u>	<u>Award</u>
14.	Summit Avenue	170	-	No award
15.	Ingrid and Charles A. Honkonen	250	.10	25.00
16.	Francis L. Dolan et ux Slope easement	250	.10	25.00
17.	Folke I. Olson et ux Slope easement	500	.08	50.00
18.	Peak Street	60	-	No award
18A.	George P. Dunn et ux Mtg: Merchants Cooperative Bank	Slope easement	-	1.00
18B.	Passageway	Slope easement	-	No award
18C.	John Williams	Slope easement	-	1.00
18D.	William J. Ahern et ux Mtg: Quincy Cooperative Bank	Slope easement	-	1.00
18E.	Richard P. Ahern	Slope easement	-	1.00
18F.	Edward M. Brennan et ux Mtg: Home Savings Bank	Slope easement	-	1.00
19.	Arthur J. Harvey et ux Mtg: Shipbuilders' Cooperative Bank	2370	1.14	500.00
20.	Peak Street	590	-	No award
21.	Ingrid and Charles A. Honkonen	1500	.30	850.00
22.	Edwin E. Pinola et ux Mtg: Braintree Cooperative Bank	1500	.43	650.00
23.	Summit Avenue	500	-	No award
24.	Thomas M. McDonough et ux Mtg: Braintree Cooperative Bank	1500	.25	150.00
25.	Elizabeth M. Flaherty et al Slope easement	1150	.43	1.00
26.	Ledge Road Slope easement	170	-	No award
27.	Town of Braintree Slope easement	630	-	No award
28.	North Street	17500	-	No award
29.	North Street	10600	-	No award
30.	Sunny Side Avenue	20000	-	No award

TOTAL \$ 2895.00

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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.

RUSSELL T. BATES

CLAYTON W. NASH

EVERETT M. BOWKER

COUNTY COMMISSIONERS

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

At a meeting of the County Commissioners, held at Dedham, on Tuesday, the eighteenth day of November, 1958, by adjournment of their September 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.

RUSSELL T. BATES

CLAYTON W. NASH

EVERETT M. BOWKER

COUNTY COMMISSIONERS

A true copy,

ATTEST: Willis A. Neal CLERK