

#466

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 fifteenth day of March, 1960, by adjournment of their December meeting next preceding; a notice of said meeting having been posted as required by law:-

The petition of CHESTER PARASCO and others of WALPOLE 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 WALPOLE in said County, that common convenience and necessity require that the way known as ELM STREET, a public way in said town, be relocated between Station 50 + 0 and N. Y. N. H. & H. R. R. location which is approximately Station 71 + 40 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 re-located within the limits above specified.

Dated Jan. 7, 1960

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|-----------------------|---------------------------|
| Chester Parasco | Selectman |
| Janice Wilkins | Selectman |
| Edward J. Delaney | Selectman of Walpole |
| Harold E. Higgins | Selectman |
| Leo F. Tetreault | Planning Board of Walpole |
| Louis E. Heogler, Jr. | Planning Board of Walpole |
| Walter E. Rockwood | Planning Board of Walpole |
| Harold M. Smith | Planning Board of Walpole |

This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, aforesaid on the second day of February, 1960 by adjournment of their December meeting next preceding, a notice of said meeting having been posted as required by law: and the twenty-third day of February, 1960 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

Refer to Case No. 343-344-1960 R. Burke 708

the Town of WALPOLE 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 order of notice to be posted in two public places in said town: and to be published in the WALPOLE TIMES, 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-third day of February, 1960, the Commissioners, Russell T. Bates, Clayton W. Nash and Ainslie K. Payne (acting in place of Everett M. Bowker who was absent due to illness) met at the time and place specified in said order; when and where the petitioners appeared and the Town of WALPOLE 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 this meeting.

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

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

The northerly line of Elm Street begins at a stone bound on the northerly line of Elm Street as laid out by the Norfolk County Commissioners by Return dated October 4, 1955; thence S-81-03-50-E a distance of 57.22 ft. to a stone bound; thence by a curve to the left with a radius of 30.00 ft. a dis-

tance of 48.66 ft. to a stone bound which is on the westerly line of Mill Pond Road; thence S-76-41-50-E a distance of 40.33 ft. to a stone bound which is on the easterly line of Mill Pond Road; thence southeasterly by a curve with a radius of 30.00 ft. a distance of 45.59 ft. to a stone bound; thence S-81-03-50-E a distance of 121.38 ft. to a stone bound; thence by a curve to the right with a radius of 1560.00 ft. a distance of 143.62 ft. to a stone bound; thence N-15-02-50-W a distance of 48.97 ft. to a stone bound; thence S-66-31-09-E a distance of 212.20 ft. to a stone bound; thence S-15-02-50-E a distance of 54.70 ft. to a stone bound; thence southeasterly by a curve with a radius of 1560.00 ft. a distance of 550.96 ft. to a stone bound; thence by a curve to the left with a radius of 40.00 ft. a distance of 72.40 ft. to a stone bound which is on the westerly line of Robbins Road; thence S-56-29-20-E a distance of 50.02 ft. to a stone bound on the easterly line of Robbins Road; thence southeasterly by a curve with a radius of 95.00 ft. a distance of 116.18 ft. to a stone bound; thence by a curve to the right with a radius of 1560.00 ft. a distance of 272.07 ft. to a stone bound; thence S-24-54-50-E a distance of 228.93 ft. to a stone bound; thence by a curve to the left with a radius of 585.37 ft. a distance of 128.81 ft. to a stone bound which is on the northerly line of Elm Street as laid out by the Norfolk County Commissioners by Return dated May 28, 1957.

The southerly line of Elm Street begins at a stone bound on the southerly line of Elm Street as laid out by the Norfolk County Commissioners by Return dated October 4, 1955, said bound being S-8-56-10-W a distance of 60.00 ft. from the first bound on the northerly line as above described; thence easterly by a curve with a radius of 950.74 ft. a distance of 414.15 ft. to a stone bound; thence S-56-06-20-E a distance of 631.57 ft. to a stone bound; thence by a curve to the right with a radius of 928.67 ft. a distance of 505.57 ft. to a stone bound;

thence S-24-54-50-E a distance of 114.43 ft. to a stone bound; thence by a curve to the left with a radius of 1060.00 ft. a distance of 233.26 ft. to a stone bound which is on the southerly line of Elm Street as laid out by the Norfolk County Commissioners by Return dated May 28, 1957, said bound being S-52-28-40-W a distance of 60.00 ft. from the last bound on the northerly line as above described.

And now 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 said location hereinbefore described, except that portion of land belonging to the New York, New Haven and Hartford Railroad Company which is considered their right of way, over which side lines are established, 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 Elm Street, Walpole between Station 50 + 00 and the N.Y., N. H., & H. R. R. at Station 71 + 40 as made by the Norfolk County Commissioners by Return dated March 15, 1960. 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.

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 WALPOLE, 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 traveled part of said way shall be constructed not less than forty (40) 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 WALPOLE.

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 WALPOLE.

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 WALPOLE when the lands hereby taken and over which said way is hereby located, have been entered upon and possession taken for the purposes of constructing said way.

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<u>Pol. No.</u>	<u>Owner</u>	<u>Approx. Sq.Ft. Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
1.	Michael Ciallella	60	.50	1.00
2.	Turner Trust, Roger F. Turner, Trustee	280	.02	10.00
3.	Mill Pond Rd	1500	-	-
4.	Blanchard Lumber Company Slope easement	19200	1.21	8500.00
6.	The New York, New Haven & Hartford Railroad Company Mtg: Chase National Bank Manufacturer's Trust Co.	1700	.13	10.00
7.	Charles H. Wentworth, Conservator Slope easement	27500	.82	300.00
8.	Town of Walpole Slope easement	14850	-	-
9.	Town of Walpole Slope easement	3880	-	-
10.	The Kendall Company Slope easement	3050	.94	25.00
11.	The Kendall Company Ld.Ct.Cert. #56540, Bk.283, P.140	650	.16	1.00
12.	The Kendall Company Ld.Ct. Cert.#21026, Bk. 106, P.26	579	1.05	1.00
13.	The Kendall Company Ld.Ct. Cert. #14434, Bk.73, P.34	432	-	1.00
14.	The Kendall Company Ld.Ct. Cert. #56540, Bk.283, P.140	613	.16	1.00
TOTAL			\$	8850.00

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 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

AINSLIE K. PAYNE

COUNTY COMMISSIONERS

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

At a meeting of the County Commissioners, held at Dedham, on Tuesday, March 15, 1960, by adjournment of their December meeting next preceding, a notice of said meeting having been posted as required by law:-

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 WALPOLE within which the limits of said highway described therein lines, 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

AINSLIE K. PAYNE

COUNTY COMMISSIONERS

A true copy,

ATTEST: Willis A. Reed CLERK

Recorded Mar. 28, 1960 at 9h.36m. A.M.