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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-eighth day of June, 1960: a notice of said meeting having been posted as required by law:-

The petition of IRWIN M. GOLDEN and ELIZABETH B. GOLDEN of COHASSET, in said County, represents as follows:-

PETITION OF IRWIN M. GOLDEN AND ELIZABETH B. GOLDEN UNDER CHAPTER 252, SECTIONS 15 THROUGH 19, GENERAL LAWS (TER. ED.) FOR IMPROVEMENTS OF SWAMPS AND CONSTRUCTION OF ROADS TO LAND IN COHASSET

To the Honorable County Commissioners for the County of Norfolk, in the Commonwealth of Massachusetts

Respectfully represent Irwin M. Golden and Elizabeth B. Golden of Jerusalem Road Drive in the Town of Cohasset, County of Norfolk and Commonwealth of Massachusetts as follows:

1. This is a petition brought under General Laws (Ter.Ed.) Chapter 252, Sections 15 through 19 inclusive.
2. That your petitioners are the owners of a certain parcel of lowland and swamp, including some upland, situated off the Northerly side of Chief Justice Cushing Way in Cohasset, Massachusetts, comprising 2.9 acres of land and being shown on a plan entitled "Plan of Land in Cohasset, Mass., Made for Irwin M. Golden" dated April 2, 1959 by Lewis W. Perkins & Son, Eng'rs., Hingham, Mass., a copy of which is being filed with this petition and said plan being hereby incorporated herein by reference.
3. That said parcel of land on account of adjacent land belonging to the Town of Cohasset, cannot be approached, worked, cultivated or used to advantage in the ordinary manner without crossing such land of the Town of Cohasset; that said land of the Town of Cohasset is an unused portion of a large parcel of land used for cemetery purposes; that the portion of said land of the Town of Cohasset which is the subject of this petition is unlikely ever to be used for cemetery purposes and is of nominal value.
4. That said land of the petitioners is zoned under the Cohasset Zoning By-Laws for business purposes, and constitutes a substantial portion of the land in Cohasset zoned for business purposes which is now not so used and available for development for business.
5. That in order to render the said swamp and upland of the petitioners accessible and capable of improvement, it is necessary to take or establish as a roadway that portion of said land of the Town of Cohasset shown on the aforesaid plan as a "shaded area" comprising in area 2,700 square feet, more or less, in order to fill the same and provide access to said land of the petitioners, and that it is required by the public convenience that said swamp and inaccessible land of the petitioners be reclaimed and made productive by obtaining access to the public highway shown on said plan as Chief Justice Cushing Way and by filling the swamp areas shown on said plan.
6. That the Town of Cohasset is the only person known to the petitioners to be interested in this petition.
7. That your petitioners intend to improve said area shown on said plan as containing 2,700 square feet, more or less, by filling in said area and building thereon a roadway for access to the premises of the petitioners; and further that your petitioners intend to improve their land comprising said 2.9 acres by filling the swamp areas and reclaiming said land so that it may be made productive.

WHEREFORE your petitioners pray:

Refers to Plan No. 858-1960 GL Book 709

entry vol. 3838 v. 15

(a) That the Honorable County Commissioners for the County of Norfolk lay out and establish a roadway for access to the land of the petitioners to be used for all purposes for which public ways are now and in the future may commonly be used in the Town of Cohasset in, over and upon the land of the Town of Cohasset as shown in "shaded area" containing 2,700 square feet, more or less, on a plan entitled "Plan of Land in Cohasset, Mass., Made for Irwin M. Golden" Dated April 2, 1959 by Lewis W. Perking & Son, Eng'rs, Hingham, Mass., a copy of which is on file with the Office of the County Commissioners for the County of Norfolk.

(b) That the Honorable County Commissioners for the County of Norfolk lay out and establish the improvements prayed for by the petitioners with respect to the "shaded area" shown as containing 2,700 square feet, more or less, on the plan entitled "Plan of Land in Cohasset, Mass., Made for Irwin M. Golden" dated April 2, 1959 by Lewis W. Perkins & Son, Eng'rs., Hingham, Mass., and if it is necessary to take property for such improvements, that they take it on behalf of the County of Norfolk.

(c) That the Honorable County Commissioners of the County of Norfolk award the fair and reasonable damages sustained to the Town of Cohasset, if any, by the laying out or establishment of the improvements prayed for.

Respectfully submitted

April 17, 1959

IRWIN M. GOLDEN
ELIZABETH B. GOLDEN

* * * * *

This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, on the thirtieth day of June, 1959, by adjournment of their June meeting next preceding, a notice of said meeting having been posted as required by law: and the twenty-eighth day of July, 1959, 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 an abstract of said petition and of order of notice thereon, to be served upon the Clerk of the Town of Cohasset being the town within which such way was prayed for: and also caused copies of an abstract of said petition and of said order of notice to be published in the COHASSET COTTAGER, a newspaper published, or by its title page purporting to be published in the Town of Cohasset, once each week for three successive weeks before the time appointed for said meeting, 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-eighth day of July, 1959, 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 Cohasset was represented by a letter from the Selectmen, dated July 23, 1959 stating that the Board of Selectmen have no objection to

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the petition; 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 after examination, inspection and a hearing find that the improvements prayed for in said petition are required by the public convenience and necessity, and

Whereas they have determined that the land necessary for this improvement is owned by the Town of Cohasset, is low, wet and swampy; and that it is not in any enclosure and is not suitable for burial purposes, and that the Selectmen of the Town of Cohasset have no objection to the taking of this land,

Therefore, the County Commissioners proceed under Chapter 252, Sections 15 to 19 inclusive to layout a way from the land of the petitioners to Chief Justice Cushing Highway, bounded and described as follows:-

The westerly line begins at a stone bound on the northerly line of Chief Justice Cushing Highway, said bound being S-86-47-40-E a distance of 220.28 ft. from a Massachusetts Highway Bound; thence northeasterly by a curve with a radius of 25.00 feet a distance of 33.39 ft; thence N-16-41-E a distance of 68.31 ft. to land of the petitioners, Irwin M. Golden and Elizabeth B. Golden.

The easterly line begins at a stone bound on the northerly line of Chief Justice Cushing Highway and westerly line of location of land of the United States of America, said bound being S-86-47-40-E a distance of 60.85 ft. from the first bound on the westerly line as above described; thence N-16-41-E a distance of 41.94 ft. on the westerly line of land of the United States of America to land of the petitioners, Irwin M. Golden and Elizabeth B. Golden; said bound being S-30-55-40-E a distance of 54.15 ft. from the last bound on the westerly line as above described.

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

And the said Commissioners do hereby take for the purposes of a way 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 Private Way from Chief Justice Cushing Highway to Land of Elizabeth B. and Irwin M.

Golden in the Town of Cohasset as made by the Norfolk County Commissioners, by Return dated June 28, 1960. Scale: 1 inch = 40 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 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 the petitioners, Irwin M. and Elizabeth B. Golden, do within two 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 twenty-four (24) feet in width.

And it is determined by the Commissioners that all expense of establishing the 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 petitioners, Irwin M. and Elizabeth B. Golden.

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 petitioners, Irwin M. and Elizabeth B. Golden when the lands hereby taken and over which said way is hereby located, have been entered upon and

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possession taken, for the purpose of constructing said way.

| <u>Pol. No.</u> | <u>Owner</u> | <u>Sq. Ft. Taken</u> | <u>Award</u> |
|-----------------|------------------|------------------------|--------------|
| 1 | Town of Cohasset | 2675 Slope easement | No award |

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 twenty-eighth day of June, 1960: 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 petitioners Irwin M. and Elizabeth B. Golden; and likewise an attested copy thereof be transmitted to the Clerk of the Town of Cohasset 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.

RUSSELL T. BATES

CLAYTON W. NASH

EVERETT M. BOWKER

COUNTY COMMISSIONERS

A true copy,

ATTEST: Willis A. Neal CLERK

Recorded July 13, 1960 at 11h.21m.A.M.