

#480

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 thirty-first day of May, 1961, by adjournment of their April meeting next preceding: a notice of said meeting having been posted as required by law:

The petition of JOHN E. McCaffrey and others of WEYMOUTH 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 WEYMOUTH in said County, that common convenience and necessity require that the way known as MIDDLE STREET, a public way in said town, be relocated between Washington Street and a point about 1500 feet southerly 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 May 5, 1960.

Board of Selectmen

Robert Carter, Chairman  
Franklin Fryer, Clerk  
Everett E. Callahan

Planning Board

Walter B. Hefferman, Chairman  
William F. White, Clerk

Board of Public Works

John E. McCaffrey, Chairman  
George F. Brady, Clerk  
George E. Lane  
Everett McIntosh  
Joseph M. Nover, Jr.  
Allan R. McKinnon  
Robert G. Ahlstedt

\*\*\*\*\*

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 July, 1960, by adjournment of their June meeting next preceding, a notice of said meeting having been posted as required by law: and the twenty-sixth day of July, 1960, and four o'clock in the afternoon at the Town Hall in Weymouth were appointed by the 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 WEYMOUTH, being the

Refer to Records 667-668-1961 G-Book # 211

Casefile No. 3909 P. 514.

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 WEYMOUTH GAZETTE, a newspaper published in said County, said posting and publication having been seven days at least before the time and place 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 July, 1960, the Commissioners, Russell T. Bates, Everett M. Bowker, and Ainslie K. Payne (acting in place of Clayton W. Nash of Weymouth who was disqualified by reason of residence), met at the time and place specified in said order: when and where the petitioners appeared and the Town of WEYMOUTH 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 a meeting of said Commissioners, held at Dedham aforesaid on the fourth day of April, 1961, when and where upon the adjudication aforesaid, the Commissioners appointed the second day of May, 1961, and four o'clock in the afternoon at the Town Hall in WEYMOUTH, 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 con-

tinued and adjourned from time to time to this meeting.

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

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

The westerly line begins at a point on the westerly line of Middle Street as laid out by the Town of Weymouth in April 1929; thence northerly by a curve with a radius of 324.00 ft. a distance of 8.64 ft. to a stone bound; thence continuing on the same curve a distance of 171.00 ft. to a stone bound; thence N-00-00-56-W a distance of 191.01 ft. to a stone bound; thence N-4-26-14-E a distance of 207.23 ft. to a stone bound; thence by a curve to the right with a radius of 1314.43 ft. a distance of 188.33 ft. to a stone bound which is on the easterly line of Winter Street as laid out by the Norfolk County Commissioners by Return dated March 14, 1961; thence northwesterly by a curve with a radius of 50.00 ft. a distance of 92.40 ft. to a stone bound; thence N-16-18-10-E a distance of 63.67 ft; thence N-21-44-26-E a distance of 127.48 ft. to a stone bound which is on the westerly line of Winter Street as laid out by the Norfolk County Commissioners by Return dated March 14, 1961; thence N-21-44-26-E a distance of 56.10 ft. to a stone bound; thence by a curve to the left with a radius of 40.00 ft. a distance of 57.51 ft. to a stone bound which is on the southerly line of Washington Street as laid out by the Massachusetts Department of Public Works on November 14, 1915.

The easterly line begins at a point on the southwesterly line of Hanover Street, said point being S-27-07-21-E a distance of 66.93 ft. from the first point on the westerly line as above described; thence N-62-52-39-E a distance of 40.00 ft. to a stone bound which is on the northeasterly line of Hanover Street; thence northerly by a curve with a radius of 40.00 ft. a distance of

37.90 ft. to a stone bound; thence by a curve to the left with a radius of 334.00 ft. a distance of 182.18 ft. to a stone bound; thence N-00-00-56-W a distance of 110.93 ft. to a stone bound; thence by a curve to the right with a radius of 2000.00 ft. a distance of 155.43 ft. to a stone bound; thence N-4-26-14-E a distance of 127.15 ft. to a stone bound; thence by a curve to the right with a radius of 1254.43 ft. a distance of 425.59 ft. to a stone bound; thence by a curve to the right with a radius of 52.05 ft. a distance of 82.53 ft. to a stone bound which is on the southerly line of Washington Street as laid out by the Massachusetts Department of Public Works on November 14, 1916; said bound being easterly by a curve with a radius of 2611.59 ft. a distance of 211.24 from the last bound on the westerly line as above described.

The easterly line heretofore described, in general, is 60.00 ft. easterly from and parallel to the westerly line as above described.

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 Middle Street, Weymouth from Washington Street to Hanover Street as made by the Norfolk County-Commissioners by Return dated May 31, 1961. 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 WEYMOUTH, 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 forty (40) feet in width;

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 WEYMOUTH.

And it is determined by the Commissioners that all the expenses 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 WEYMOUTH.

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 WEYMOUTH 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 Sq.Ft. Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
1.	Kenneth W. Eaton et ux Mtg: Rockland Savings Bank	Slope easement	-	1.00
1A.	Herbert K. Klasson and Bernard S. Ericson, Trustees of The Klasson & Ericson Realty Trust Elm Farm Foods Co., Lessee Ld. Ct. Cert. #55778, Bk. 279, P. 178 Mtg: Elliot Savings Bank	3693 Slope easement	50.02	1000.00
2.	Hy Winer et al, Trustees of the Boston Super Markets Ld. Ct. Cert. #64401, Bk. 323, P. 1 Mtg: B. Robert Levin	4181	4.38	300.00
3.	Victor D. Jacobs et ux Ld. Ct. Cert. #46459, Bk. 233, P. 59 Mtg: Worcester County Institution for Savings	800	1.14	75.00
4.	Alexander P. Holt et ux Mtg: Weymouth Savings Bank	1216	1.86	125.00
5.	James W. Donovan et ux Ld. Ct. Cert. #41201, Bk. 207, P. 1	890	1.37	100.00
6.	Town of Weymouth Ld. Ct. Cert. #62052, Bk. 311, P. 52	259	-	-
7.	James F. Connor et ux Ld. Ct. Cert. #55982, Bk. 280, P. 182 Mtg: South Shore Cooperative Bank	0.16	-	1.00
8.	Town of Weymouth Ld. Ct. Cert. #62053, Bk. 311, P. 53	54	-	-
9.	Town of Weymouth Ld. Ct. Cert. #62054, Bk. 311, P. 54	122	-	-
<b>TOTAL</b>			<b>\$</b>	<b>1602.00</b>

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 three months from the date on which entry is made or possession taken for the purpose of constructing said way.

RUSSELL T. BATES

EVERETT M. BOWKER

AINSLIE K. PAYNE

COUNTY COMMISSIONERS

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

At a meeting of the County Commissioners, held at Dedham on Wednesday, May 31, 1961 by adjournment of their April 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 WEYMOUTH 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

EVERETT M. BOWKER

AINSLIE K. PAYNE

COUNTY COMMISSIONERS

A true copy,

ATTEST: *A. Kelly, Secy* Clerk

Recorded June 19, 1961 at 9h.06m. A.M.  
RECORDED & INDEXED  
JUN 20 1961  
CLERK OF THE COUNTY OF NORFOLK