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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-third day of July, 1963, by adjournment of their June meeting next preceding: a notice of said meeting having been posted as required by law:-

The petition of ALAN P. MORSE and others of BROOKLINE, 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 Brookline in said County, that common convenience and necessity require that the way known as POND AVENUE, a public way in said town, be relocated between Washington Street and Allerton Street for the purpose of establishing the boundary lines, making alterations in the course and width and making repairs on said way.

Wherefore your petitioners pray that said way may be re-located within the limits above specified.

Dated Dec. 11, 1961.

Alan R. Morse
Matthew Brown
Thomas J. Noonan
Louise M. Castle
George F. McNeilly

Board of Selectmen

Russell Hastings
F. Stanton Deland, Jr.
William D. Mehegan
William J. Geddis
Francis W. Capper

Planning Board

This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, on the thirteenth day of February 1962, by adjournment of their December meeting next preceding: a notice of said meeting having been posted as required by law: and the twentieth day of March, 1962 at three o'clock in the afternoon at the Court House in said 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 the Town of BROOKLINE, being the town within which such relocation of way

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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 BROOKLINE CHRONICLE, 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 twentieth day of March, 1962, the Commissioners Russell T. Bates, Clayton W. Nash and Ainalie K. Payne (acting in place of Everett M. Bowker of Brookline 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 BROOKLINE 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 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 the Commissioners held at Dedham on the eleventh day of June, 1963, by adjournment of their April meeting next preceding: a notice of said meeting having been posted as required by law: when and where upon the adjudication aforesaid, the Commissioners appointed the ninth day of July, 1963 and two-thirty o'clock in the afternoon at the Court House in Dedham, 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 Commissioners, Russell T. Bates, Clayton W. Nash and John Francis Murphy, by courses and distances, metes and bounds, do relocate said POND AVENUE as prayed for in said petition.

And the lines of said relocation of said POND AVENUE are as follows:-

The westerly line begins at a stone bound on the northerly line of Allerton Street; thence northeasterly by a curve with a radius of 25.00 ft. a distance of 37.78 ft. to a stone bound; thence by a curve to the right with a radius of 370.00 ft. a distance of 138.25 ft. to a stone bound; thence by a curve to the left with a radius of 236.47 ft. a distance of 92.52 ft. to a stone bound; thence N-26-25-25-E a distance of 400.00 ft. to a stone bound; thence continuing on the same course a distance of 416.48 ft. to a stone bound; thence by a curve to the left with a radius of 50.00 ft. a distance of 102.39 ft. to a stone bound which is on the southerly line of Washington Street as laid out by the Norfolk County Commissioners by Return dated July 10, 1962.

The easterly line begins at a stone bound on the easterly line of Pond Avenue as laid out by the Norfolk County Commissioners by Return dated November 20, 1867; said bound being S-65-58-15-E a distance of 74.31 ft. from the first bound on the westerly line as above described; thence northeasterly by a curve with a radius of 320.00 ft. a distance of 140.13 ft. to a stone bound; thence by a curve to the left with a radius of 286.47 ft. a distance of 112.08 ft. to a stone bound; thence N-26-25-25-E a distance of 400.00 ft. to a stone bound; thence continuing on the same course a distance of 524.45 ft. to a point on the southerly line of Washington Street; said point being

N-89-05-25-E a distance of 138.41 ft. from the last bound on the westerly line as above described.

The easterly line heretofore described, in general, is 50.00 ft. easterly from and parallel to the westerly line.

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 Pond Avenue, Brookline, between Allerton Street and Washington Street as made by the Norfolk County Commissioners by Return dated July 23, 1963. Horizontal Scale: 1 inch = 20 feet. Vertical Scale: 1 inch=4 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 hereby take land from the Brookline Redevelopment Authority, in accordance with an agreement between the Brookline Redevelopment Authority, the Town of Brookline and the County of Norfolk, dated May 7, 1962.

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 Brookline, 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 thirty-four (34) 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 BROOKLINE.

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 BROOKLINE.

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 BROOKLINE when the lands

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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>Pol. No.</u>	<u>Owner</u>	<u>Approximate Sq. Ft. Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
1.	Brookline Redevelopment Authority	12,586	-	No award

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, walls, hedges 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, in accordance with agreement dated May 7, 1962.

RUSSELL T. BATES

CLAYTON W. NASH

JOHN FRANCIS MURPHY

COUNTY COMMISSIONERS

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

At a meeting of the County Commissioners, held at Dedham, on Tuesday, the twenty-third day of July, 1963, by adjournment of their June meeting next preceding: a notice of said meeting having been posted as required by law:

ORDERED: that the foregoing Return and Order of Taking be filed, accepted and recorded, and that an attested copy thereof be transmitted to the Clerk of the Town of BROOKLINE 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

JOHN FRANCIS MURPHY

COUNTY COMMISSIONERS

A true copy,

ATTEST: Willis A. Neal CLERK

Recorded Aug. 14, 1963 at 11h.02m.A.M.

I, Joseph F. Moscaritolo,
of Braintree, Norfolk County, Massachusetts
~~being authorized~~, for consideration paid, grant to Joseph F. Moscaritolo and Edwina J. Moscaritolo, husband and wife, as tenants by the entirety,
of said Braintree,

with quitclaim warranties
therein

(Description and encumbrances, if any)

A certain parcel of land with the buildings thereon, situated on the southeasterly side of Washington Street in Braintree, Norfolk County, Massachusetts, distant one hundred sixty-five (165) feet more or less in a northeasterly direction from Bellevue Avenue, the larger parcel hereby granted being shown as Lot 47 and the northwesterly part of Lot 46 on a plan entitled, "Section No. 1 of Mayflower Park, D. T. Clark, Surveyor, Amended by T. E. Parker, 1897", recorded with Norfolk Deeds, Plan Book 29, Plan No. 1348, bounded and described as follows:
Northwesterly by Washington Street, one hundred (100) feet,
Northeasterly, one hundred thirty (130) feet by the southwesterly line of Lot 48 and said lot line extended southeasterly to the northwesterly line of a strip of land conveyed to Sarah J. Allen by deed dated October 22, 1908, recorded with Norfolk Deeds, Book 1138, Page 362, (being the southerly part of Lot 46),
Southeasterly by said last mentioned land so deeded to Allen, and
Southwesterly by the southwesterly line of said Lots 47 and 46, as shown on said plan.

Also a parcel, contiguous to the larger parcel above-described, bounded:
Northwesterly by the southeasterly line of Washington Street, as widened and relocated by a 1915 taking by the County Commissioners as shown on sheet 4 of a plan of said taking in Plan Book 80, Plan 3869,
Northeasterly by the larger parcel hereinabove described, about one hundred thirty (130) feet, and
Southeasterly by the southeasterly line of said parcel projected southwest-

erly, and
Southwesterly by the center line of a parcel indicated on the plan of taking as a private way, being land released to Frank B. Baker and Ouida L. Baker, husband and wife, by deeds recorded with Norfolk Deeds, Book 2800, Pages 103, 105 and 106.

Said premises are known as and numbered 1650 on Washington Street.

Being the same premises conveyed to me by James V. Nigrelli and Muriel Iris Nigrelli by deed dated January 8, 1963, and recorded with Norfolk Deeds on January 8, 1963, in Book 4044, Page 611.

The consideration for this deed is less than \$100.00.