

COMMONWEALTH OF MASSACHUSETTS

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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 March, 1969, by adjournment of their December meeting next preceding; a notice of said meeting having been posted as required by law:

The petition of AUSTIN C. BUCHANAN and others of MEDFIELD 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 MEDFIELD 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 Philip Street and Medfield-Walpole Town Line for the purpose of making alterations in the course of width of said way.

Wherefore your petitioners pray that said way may be relocated within the limits above specified.

Dated May 27, 1964

Austin C. Buchanan
Richard G. Connors
Marion D. Henderson
Kathleen C. Connors
Pauline M. Goucher
William E. McCarthy

This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, on the twenty-third day of August, 1966 by adjournment of their June meeting next preceding; a notice of said meeting having been posted as required by law; and the twentieth day of September, 1966 and three o'clock in the afternoon at the Town Hall in Medfield 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 MEDFIELD, being

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the town within which such relocation of way was prayed for, ²⁰³ 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 DEDHAM TRANSCRIPT, 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 September, 1966, the Commissioners, John Francis Murphy, James J. Collins and Russell T. Bates, met at the time and place specified in said order, when and where the petitioners appeared and the Town of MEDFIELD was represented by its Selectmen; and the said Commissioners then viewed the route and premises, and heard all persons and corporations interested.

And thence the same was continued and adjourned from time to time to a meeting of the Commissioners held at Dedham on the thirteenth day of August, 1968, by adjournment of their June meeting next preceding, at which time the Commissioners, James J. Collins, Thomas K. McManus and Russell T. Bates, did adjudge that common convenience and necessity require that said way be relocated as prayed for in said petition: when and where upon said adjudication, the Commissioners appointed the twenty-fourth day of September, 1968 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, James J. Collins, Thomas K. McManus and George B. McDonald, 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 begins at a stone bound on the northerly line of Philip Street as laid out by the Norfolk County Commissioners by return dated March 28, 1967; said bound being S-76-52-40-E a distance of 74.08 ft. from a stone bound at the northerly end of a curve having a radius of 50.00 ft on the southerly line of said Philip Street; thence southeasterly by a curve with a radius of 60.00 ft. a distance of 79.73 ft. to a stone bound; thence by a curve to the left with a radius of 1399.78 ft. a distance of 147.26 ft. to a stone bound; thence N-75-03-00-E a distance of 283.48 ft. to a stone bound; thence by a curve to the right with a radius of 1060.00 ft. a distance of 139.52 ft. to a stone bound; thence N-82-35-30-E a distance of 262.14 ft. to a stone bound; thence by a curve to the right with a radius of 250.00 ft. a distance of 77.18 ft. to a stone bound which is on the Town Line between the towns of Medfield and Walpole.

The southerly line begins at a point, said point being S-22-47-00-E a distance of 46.99 ft., S-43-32-20-E a distance of 43.27 ft. and S-4-53-10-E a distance of 24.24 ft. from the first bound on the northerly line as above described; thence easterly and northeasterly by a curve with a radius of 1459.78 ft. a distance of 177.70 ft. to a stone bound; thence N-75-03-00-E a distance of 283.48 ft. to a stone bound; thence by a curve to the right with a radius of 1000.00 ft. a distance of 464.34 ft. to a stone bound which is on the Town Line between the towns of Medfield

and Walpole, said bound being S-1-02-37-E a distance of 103.66 ft. from the last bound on the northerly line as above described.

The southerly line heretofore described in general is 60.00 ft. southerly from and parallel to the northerly 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 Elm Street, Medfield between Philip Street and The Walpole Town Line as made by the Norfolk County Commissioners by Return dated March 18, 1969. Horizontal Scale: 1 inch = 40 feet. Vertical Scale: 1 inch = 8 feet. Charles C. Cain, County Engineer." and signed by "James J. Collins, 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 take temporary 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. Said temporary easements are to be in effect only until said way is constructed to the full width of the layout as above described and a certificate to that effect has been duly filed by the County Commissioners with their official records.

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 Medfield, do within five years from the date of this Return and Order complete said way in a thorough

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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 MEDFIELD.

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 MEDFIELD.

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, in accordance with the requirements of General Laws, Chapter 79, possession becoming effective upon the recording of this Return and Order of Taking in the Norfolk Registry of Deeds.

Pcl. No.	Approximate Sq. Ft. Taken	Tax Allowance	Award
1. Pascal and Cecile D. Levesque Mtg: The Needham Cooperative Bank	32,100 Slope Easement	21.59	\$900.00
2. Pascal and Cecile D. Levesque Ld.Ct.Cert. #79213 Book 397 Page 13 Mtg: The Needham Coop. Bank	12,722 Slope Easement	17.11	575.00
3. Pascal and Cecile D. Levesque Ld.Ct.Cert. #73364 Book 367 Page 164 Mtg: Natick Federal Savings and Loan Association	1,999 Slope Easement	2.69	50.00
4. Pascal and Cecile D. Levesque Ld.Ct.Cert. #73364 Book 367 Page 164 Mtg: Natick Federal Savings and Loan Association	1,491 Slope Easement	2.01 \$43.40	50.00 \$1,575.00

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And having heard the proprietors of lands and property, right 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 building, structures, hedges, walls and fences from the lands so taken, at any time within three months from the date of possession.

JAMES J. COLLINS

THOMAS K. MC MANUS

COUNTY COMMISSIONERS

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

At a meeting of the County Commissioners, held at Dedham, on Tuesday, the eighteenth day of March, 1969, 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 MEDFIELD 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.

JAMES J. COLLINS

THOMAS K. MC MANUS

GEORGE B. MC DONALD

COUNTY COMMISSIONERS

A true copy. Attest: AC Kelly, Secy. Clerk