

#569

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-second day of September, 1970, a notice of said meeting having been posted as required by law:

The petition of the Board of Selectmen of the Town of WALPOLE in said County, represents as follows:
Commonwealth of Massachusetts

Norfolk, ss.
To the Honorable the County Commissioners of the County of Norfolk:

Under the provisions of Chapter 160, Section 104 of the General Laws, as amended, the Board of Selectmen of the Town of WALPOLE, deem that public necessity and convenience require that Industrial Road be laid out as a public way across the tracks, at grade, of the Penn Central Company (Wrentham Branch) and herewith respectfully petition your Board to lay out said way in accordance with the above mentioned statute.

Richard H. Holman
Eleanor N. Johnson
Frank W. Smith
David E. Perkins
Joseph L. Wissman

Board of Selectmen of the
TOWN OF WALPOLE

April 2, 1970

This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, aforesaid on the sixteenth day of June, 1970 by adjournment of their April meeting next preceding, a notice of said meeting having been posted as required by law: and the twenty-first day of July, 1970 and three-fifteen o'clock in the afternoon at the Court House in said Dedham 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 WALPOLE, being the town within which such layout of crossing was prayed for, and

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upon the Penn Central Transportation Company, 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 Patriot Ledger, 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-first day of July, 1970 the Commissioners, James J. Collins, Thomas K. McManus and George B. McDonald, met at the time and place specified in said order, when and where the petitioners appeared and the Selectmen were represented by Richard H. Holman, Chairman of the Board of Selectmen, and John Mogan, Town Manager; and the Penn Central Transportation Company was represented by Richard Ferriter, Attorney, and B. K. Heald, Engineer, and the said Commissioners heard all persons and corporations interested; and no party interested objected and, thereupon, the Commissioners having examined the premises and having heard all parties interested, did adjudge that public convenience and necessity require the laying out of said INDUSTRIAL ROAD as a public way across the tracks of the Penn Central Transportation Company at grade, as prayed for in said petition.

And thence the same was continued and adjourned to a meeting of said Commissioners held on the twenty-eighth day of July, 1970, at which time the said Commissioners issued a partial decree adjudicating that public convenience and necessity required the laying out of INDUSTRIAL ROAD as a public way across the tracks of the Penn Central Transportation Company, at grade, as prayed for in said petition.

And on the fourth day of August, 1970, the County Commissioners requested the Department of Public Utilities to give their consent, in writing, to lay out this crossing as a public way,

at grade, in accordance with the provisions of G. L. Chapter 160, Section 104.

And on the twenty-sixth day of August, 1970 the Department of Public Utilities gave their consent, in writing, to the laying out of INDUSTRIAL ROAD as a public way across and at the same level with the Wrentham Secondary Track in the Town of Walpole.

PROVIDED: that the crossing warning signs required by Section 140 of Chapter 160 of the General Laws, as amended, be erected at each side of the railroad, and

FURTHER PROVIDED: that the distant warning signs required by Section 142 of Chapter 160 of the General Laws, as amended, be erected at the proper distances from the railroad on each approach thereto, unless otherwise specifically exempted therefrom, and

FURTHER PROVIDED: that all signs shall be of types approved by the Department and equipped with reflecting materials as required by Section 147A of Chapter 160 of the General Laws, as amended, and

FURTHER PROVIDED: that all train movements and all self-propelled units of equipment shall stop before passing across said crossing, and the movement shall be protected by a member of said train crew or an employee involved with the movement of said self-propelled unit of equipment.

And now the Commissioners, in accordance with the provisions of G. L. Chapter 160, Section 104, by courses and distances, metes and bounds, do lay out said INDUSTRIAL ROAD as a public way as prayed for in said petition.

And the lines of said location of said INDUSTRIAL ROAD are as follows:

The northeasterly line begins at a stone bound which is on the northeasterly line of INDUSTRIAL ROAD as laid out by the

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Town of Walpole March 30, 1970 and the northwesterly line of the Penn Central Transportation Company; thence S-38-13-30-E a distance of 114.43 ft. to a stone bound which is on the southeasterly line of the Penn Central Transportation Company and the northeasterly line of said Town layout of March 30, 1970.

The southwesterly line begins at a stone bound which is on the southwesterly line of INDUSTRIAL ROAD as laid out by the Town of Walpole March 30, 1970 and the northwesterly line of the Penn Central Transportation Company, said bound being S-45-17-29-W a distance of 60.38 ft. from the first bound on the northeasterly line as above described; thence S-38-13-30-E a distance of 104.61 ft. to a stone bound which is on the southeasterly line of the Penn Central Transportation Company and the southwesterly line of said Town layout of March 30, 1970; said bound being S-57-21-38-W a distance of 32.16 ft. and S-51-30-30-W a distance of 27.99 ft. respectively from the last bound on the northeasterly line as above described.

The southwesterly line heretofore described is sixty (60) feet southwesterly from and parallel to the northeasterly line.

And the said Commissioners do hereby take for the purposes of a highway all the easements 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 of INDUSTRIAL ROAD, WALPOLE, Laid out as a Public Way across the tracks of the Penn Central Transportation Company as made by the Norfolk County Commissioners by Return dated September 22, 1970. 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 Commissioners order that INDUSTRIAL ROAD be constructed not less than forty (40) feet in width and in accordance with the established grade shown on the plan heretofore mentioned.

And permanent stone bounds will be erected at the termini and angles of said way located as aforesaid.

And the Commissioners determine that proper measures shall be taken for the protection of the public which will meet with the approval of the Department of Public Utilities.

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.

<u>Parcel Number</u>	<u>Owner</u>	<u>Approximate Sq.Ft. Taken</u>	<u>Award</u>
1.	Penn Central Transportation Company	6525	\$250.23
	Mtg: The Chase National Bank of the City of New York		
	Mtg: Manufacturers Trust Company		
	Mtg: The Fidelity Bank and Joseph F. McDonald as Trustees		

JAMES J. COLLINS

THOMAS K. McMANUS

GEORGE B. McDONALD

COUNTY COMMISSIONERS

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COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

At a meeting of the County Commissioners, held at Dedham, on Tuesday, September 22, 1970, a notice of said meeting having been posted as required by law:-

ORDERED, that the foregoing Return be filed, accepted and recorded, and that attested copies thereof be transmitted to the Clerk of the Town of Walpole, the Department of Public Utilities and the Penn Central Transportation Company.

JAMES J. COLLINS

THOMAS K. McMANUS

GEORGE B. McDONALD

COUNTY COMMISSIONERS

A true Copy:

Attest *C. P. Thomson, Deputy Clerk*

Recorded Oct. 14, 1970 at 9h. 12m. A.M.

Know all Men by these Presents

That I, CAROL A. GARDINER,

of Sharon, Norfolk County, Massachusetts, for consideration paid, grant to DORCHESTER SAVINGS BANK, a corporation duly established under the Laws of the Commonwealth of Massachusetts and located at Boston, in the County of Suffolk, in said Commonwealth, with mortgage covenants, to secure the payment of EIGHT THOUSAND ONE HUNDRED AND 00/100 (8,100.00) DOLLARS

as provided in one certain note of even date, and also to secure the performance of all covenants and agreements herein contained and also to secure any and all further loans and indebtedness owed or to be owed by the mortgagor to the mortgagee, a certain parcel of land with the structures thereon, situated in Canton, Norfolk County, Commonwealth of Massachusetts, at the Southeasterly corner of Sherman Street and Sherman Avenue, formerly Sherman Square, being Lot #43, on a "Plan of Canton Poor Farm Lots, surveyed June 1881, by Frederick Endicott", and recorded with Norfolk Deeds as Plan No. 2411, in Plan Book 51.. For title see Norfolk Probate No. 181761.

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