

Then personally appeared the above-named BERNARD OLSHANSKY and NANCY L. OLSHANSKY

and acknowledged the foregoing instrument to be their free act and deed, before me.

Leo Dunn
Notary Public - Justices of the Peace

LEO DUNN, Notary Public
My Commission Expires April 8, 1977

My commission expires.....19.....

Recorded Sept. 13, 1971 at 9h. 02m. A. M.

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 seventeenth day of August, 1971, by adjournment of their June meeting next preceding; a notice of said meeting having been posted as required by law:

The petition of NORMAN C. RISTAINO and others of FRANKLIN 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 FRANKLIN in said County, that common convenience and necessity require that a new Highway be laid out in said Town, beginning at Oak Street approximately opposite Concord Street and running in a general southeasterly direction to the intersection of Beaver and Union Streets for the purpose of providing a safer and more convenient highway between said point on Oak Street and said intersection.

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

Dated May 19, 1971

Norman C. Ristaino
Chairman, Bd. Public Works

Vincent J. DeBaggis
Chairman, Selectmen

William D. O'Neil
Member, Bd. Public Works

Albert R. Brunelli
Selectman

Anthony J. Molinaro
Member, Bd. Public Works

John J. McCahill
Selectman

Arthur Pellegri
Police Chief

Paul Beaudette
Fire Chief

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Refer to plan No 74 B-1971 of book 229

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This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham aforesaid, on the twenty-ninth day of June, 1971, by adjournment of their June meeting next preceding; a notice of said meeting having been

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posted as required by law; and the twenty-seventh day of July, 1971, and two-thirty 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 FRANKLIN, being the town within which such layout 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 FRANKLIN SENTINEL, 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-seventh day of July, 1971, 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 Town of FRANKLIN was represented by its Selectmen; and the said Commissioners then viewed the route and premises and heard all persons and corporations interested; and thereupon the said Commissioners did adjudge that common convenience and necessity require that said way be laid out as prayed for in said petition, and thence the seventeenth day of August, 1971 and 2:30 o'clock in the afternoon at the said Court House in said Dedham were appointed by said Commissioners 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 Commissioners, James J. Collins and Thomas K. McManus, met at the

time and place appointed and then and there heard all persons and corporations interested.

And now the said Commissioners by courses and distances, metes and bounds, do lay out said way as prayed for in said petition.

And the lines of said location of said way are as follows:

The northeasterly line begins at a stone bound which is on the southerly line of Oak Street as laid out by the Norfolk County Commissioners by return dated July 16, 1929; thence N-54-05-00-W, 11.55 ft. to a stone bound; thence to the left by a 20.00 ft. radius curve 52.22 ft. to a stone bound; thence S-23-41-40-E, 30.38 ft. to a stone bound; thence to the left by a 500.00 ft. radius curve 191.36 ft. to a stone bound; thence S-45-37-20-E, 140.20 ft. to a stone bound; thence to the right by a 460.00 ft. radius curve 174.70 ft. to a stone bound; thence to the left by a 70.00 ft. radius curve 94.59 ft. to a stone bound.

The southwesterly line begins at a stone bound which is on the southerly line of Oak Street as laid out by the Norfolk County Commissioners by return dated July 16, 1929, said bound being N-50-05-00-W, 189.21 ft. and northwesterly by a 1970.00 ft. radius curve 255.80 ft. respectively from the first bound on the northeasterly line as above described; thence S-52-51-30-W, 5.01 ft. to a stone bound; thence southerly and southeasterly by a 1975.00 ft. radius curve 45.03 ft. to a stone bound; thence S-40-09-10-E, 82.99 ft. to a stone bound; thence to the right by a 800.00 ft. radius curve 229.80 ft. to a stone bound; thence S-23-41-40-E, 91.16 ft. to a stone bound; thence to the left by a 560.00 ft. radius curve 214.32 ft. to a stone bound; thence S-45-37-20-E, 140.20 ft. to a stone bound; thence to the right by a 400.00 ft. radius curve 116.53 ft. to a stone bound; thence to the right by a 30.00 ft. radius curve 63.48 ft. to a stone bound which is on the northerly line of Beaver Street as laid out by the Norfolk

County Commissioners by return dated November 3, 1940; thence S-33-45-10-E, 61.86 ft. to a stone bound which is on the southerly line of said County layout of Beaver Street; thence easterly and southerly by a 40.00 ft. radius curve 54.78 ft. to a stone bound; thence to the right by a 400.00 ft. radius curve, 109.10 ft. to a stone bound which is on the westerly line of Union Street, said bound being S-41-03-00-W, 121.87 ft. and S-6-25-00-W, 97.93 ft. from the last bound on the northeasterly line as above described.

The southwesterly line heretofore described, in general, is 60.00 ft. southwesterly from and parallel to the northeasterly 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 Layout of a New Highway in Franklin from Oak and Concord Streets to Beaver and Union Streets as made by the Norfolk County Commissioners by Return dated August 17, 1971. 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 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.

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And permanent stone bounds will be erected at the termini and angles of said way laid out 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 FRANKLIN 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 thirty-six (36) 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 FRANKLIN.

And it is determined by the Commissioners that all the expense of making the layout of said way as 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 FRANKLIN.

And the said Commissioners have heard the proprietors of lands and property, rights and interest, 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.

<u>Pcl. No.</u>	<u>Owner</u>	<u>Approx. Sq.Ft. Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
1	Nicholas J. and Marion P. Melo	410 Slope Easement	2.59	200.00
2	Joseph A. and Marilyn A. Loszi Mtg: Home Savings Bank	760 Slope Easement	3.17	360.00
3	Violet M. Russell	1,580	10.33	1,200.00
4	Town of Franklin	2,470 Slope Easement	-	None
5	Charles P. and Dorothy L. Mastromatteo Mtg: Natick Federal Savings and Loan Association	8,870 Slope Easement	21.79	3,600.00
6	Manuel and Bella Bettencourt Mtg: Dean Co-operative Bank	8,480 Slope Easement	23.47	2,400.00
7	Alberto A. and Rosaria G. Nardone	410 Slope Easement	1.52	40.00
8	James C. and Anne R. O'Connell	5,030 Slope Easement	26.63	4,800.00
9	Roman Catholic Archbishop of Boston Land Ct. Cert. #45875 Book 230 Page 75	12,591 Slope Easement	-	6,400.00
10	Roman Catholic Archbishop of Boston Land Ct. Cert. #45875 Book 230 Page 75	45	-	20.00
11	Kevin B. and Carole Rafferty Mtg: Medway Savings Bank	870 Slope Easement	3.98	328.00
12	Ralph J., Jr. and Maureen M. Desrocher Mtg: Foxboro Federal Savings and Loan Association	170 Slope Easement	0.74	52.00
Total			\$94.22	\$19,400.00

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 one month from the date of possession.

JAMES J. COLLINS

THOMAS K. McMANUS

COUNTY COMMISSIONERS

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

At a meeting of the County Commissioners, held at Dedham, on Tuesday, August 17, 1971, 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 be filed, accepted and recorded, and that an attested copy thereof be transmitted to the Clerk of the Town of FRANKLIN, 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. McMANUS

COUNTY COMMISSIONERS

A true copy. Attest: John B. Beshaw Act Clerk

Recorded Sept. 13, 1971 at 9h. 09m. A. M.