

#583

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 third day of October, 1972, by adjournment of their September meeting next preceding: a notice of said meeting having been posted as required by law:

The petition of SUMNER Z. KAPLAN 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 WALNUT STREET, a public way in said town, be relocated at its intersection with Washington Street for the purpose of establishing the northerly boundary line of said way.

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

Dated August 21, 1972

Sumner Z. Kaplan
Herbert Abrams

Eleanor Myerson

Haskell A. Kassler
Board of Selectmen

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 September, 1972, 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 September, 1972, and twelve o'clock noon 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 BROOKLINE, being the town

See Re Mr. 838-1972 Re Brook 233

606

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 BROOKLINE CHRONICLE-CITIZEN, 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 September, 1972, 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 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 common convenience and necessity require that said way be relocated as prayed for in said petition.

And thence the same was continued and adjourned to this meeting.

And now the said Commissioners, by courses and distances, metes and bounds, do relocate the northerly line of Walnut Street as prayed for in said petition.

And the lines of said relocation of said Walnut Street are as follows:

Beginning at a brass pin which is on the northerly line of Walnut Street, as laid out by the Norfolk County Commissioners by return dated July 10, 1962; thence by said northerly line of Walnut Street easterly and northeasterly by a 90.00 ft. radius curve, 54.09 ft. to a stone bound; thence to the left by a 30.64 ft. radius curve, 47.17 ft. to a stone bound; thence to the left by a 43.45 ft. radius curve, 20.67 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.

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 between the above-described line and the northerly line as laid out on July 10, 1962, all as shown upon a plan entitled "Plan showing the Relocation and Widening of Walnut Street, Brookline at its intersection with Washington Street as made by the Norfolk County Commissioners by Return dated October 3, 1972. Scale: 1 inch = 20 feet. Alvah L. Downs, 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.

FEE

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

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.

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 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

14.

land and other damages and expenses incident thereto be paid by the Inhabitants of the Town of BROOKLINE.

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.	Town of Brookline	987	-	None

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 six months from the date of possession.

James J. Collins

Thomas K. McManus

George B. McDonald
COUNTY COMMISSIONERS

5.

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

At a meeting of the County Commissioners, held at Dedham, on Tuesday, October 3, 1972; by adjournment of their September 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 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.

James J. Collins

Thomas K. McManus

George B. McDonald
COUNTY COMMISSIONERS

A true copy. Attest: C. A. Johnson, Deputy Clerk

Recorded Oct. 11, 1972 at 1h. 41m. P. M.