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[COPY]

No. 1655

COUNTY COMMISSIONERS

THOMAS P. MCCOY, JR. and others  
Suffolk County Registry Clerk  
ORDER FOR REGISTRATION FOR

MAY 1 8 1973

10 O'CLOCK 15 m A M  
NOTED ON CERTIFICATE NO. 58937, 40  
IN REGISTRATION BOOK 295 PAGE 139, 140  
EVERETT Street

in the Town of

WESTWOOD

Return and Order of Taking  
for Highway Purposes

Dated May 8, 1973

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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 eighth day of May 1973, by adjournment of their April meeting next preceding; a notice of said meeting having been posted as required by law:

The petition of THOMAS P. McCUSKER, JR. and others of WESTWOOD 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 WESTWOOD in said County, that common convenience and necessity require that the way known as EVERETT STREET, a public way in said town, be relocated between Station 46+0 and Station 47+0 as laid out by the Norfolk County Commissioners by return dated January 18, 1966 for the purpose of establishing the boundary lines of said way; making alterations in the course or width of said way; and making repairs on said way.

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

Dated February 13, 1973

Thomas P. McCusker, Jr.  
Thomas M. Darcy  
Janet E. Joghelian  
Stephen Gordet  
Peter J. Dalton, Jr.

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This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, on the third day of April, 1973 by adjournment of their December meeting next preceding; a notice of said meeting having been posted as required by law; and the eighth day of May, 1973 and two-thirty 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 order of notice thereon to be served upon the Clerk of the Town of Westwood, being

the town 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 WESTWOOD PRESS, 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 eighth day of May, 1973 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 WESTWOOD 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 now the Commissioners, James J. Collins, Thomas K. McManus, and George B. McDonald, by courses and distances, notes and bounds do relocate said EVERETT STREET as prayed for in said petition.

And the lines of said relocation of EVERETT STREET are as follows:

The northerly line of EVERETT STREET begins at a stone bound which is on the northerly line of EVERETT STREET as laid out by the Norfolk County Commissioners by Return dated January 18, 1966, said bound being 11.94 ft. easterly of a stone bound on said northerly line of EVERETT STREET; thence N-12-18-50-E, 20.00 ft. to a stone bound; thence S-77-41-10-E, 50.00 ft. to a stone bound; thence S-12-18-50-W, 20.00 ft. to a stone bound which is on said

northerly line of said 1966 layout of Everett Street.

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 January 18, 1966, all as shown upon a plan entitled "Plan showing the Widening of Everett Street, Westwood, between Station 46+45 and Station 46+95, as made by the Norfolk County Commissioners by return dated May 8, 1973. Scale: 1 inch = 40 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.

And the said Commissioners do likewise take for the protection of said way all the easements and rights in Parcels 2 and 4 as indicated on said plan, being more fully described as follows: Beginning at a stone bound on the northerly line of said Everett Street as above described; thence northerly 40.00 ft. to a point; thence easterly 50.00 ft. to a point; thence southerly 40.00 ft. to a stone bound on the northerly line of said Everett Street as above described; thence by said northerly line of Everett Street N-77-41-10-W, 50.00 ft. to the stone bound at the point of beginning.

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 WESTWOOD 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 WESTWOOD.

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 WESTWOOD.

And the 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>Approximate Area Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
1	Foster Bros., Inc. Land Court Cert. #58940 Book 295 Page 140 Mtg: South Shore National Bank	205 S.F.	\$2.89	\$50.00
2	Foster Bros., Inc. Land Court Cert. #58940 Book 295 Page 140 Mtg: South Shore National Bank	608 S.F.	8.57	60.00
3	Eleanor H. Foster Land Court Cert. #58939 Book 295 Page 139	795 S.F.	3.10	100.00
4	Eleanor H. Foster Land Court Cert. #58939 Book 295 Page 139	1,392 S.F.	5.42	70.00
		Total	\$19.98	\$280.00

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 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

GEORGE B. McDONALD

COUNTY COMMISSIONERS

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

At a meeting of the County Commissioners held at Dedham, on Tuesday, the eighth day of May, 1973, by adjournment of their April 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 WESTWOOD 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: [Signature] Clerk