

#598

BK 5126

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 fifteenth day of April 1975; a notice of said meeting having been posted as required by law:

The petition of CARL R. JOHNSON, JR. and others of Braintree, 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 BRAINTREE in said County, that common convenience and necessity require that the way known as POND STREET, a public way in said town, be relocated between Granite Street and Canal Street, for the purpose of establishing the boundary lines of said way; making alterations in the course or width of said way; making repairs on said way; and to construct ditches and drains for the purpose of properly draining said Pond Street as is deemed necessary for public convenience and for the proper care and construction of said Pond Street, a public way, all in accordance with the Provisions of G.L. Chapter 83, Section 4.

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

Dated April 24, 1974

Carl R. Johnson, Jr.  
Robert E. Frazier  
Donald J. Laing  
Walter C. Kirkland  
Dace J. Moore

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This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham,

See RL # 284 of 1975 RL 249

on the tenth day of September, 1974, by adjournment of their June meeting next preceding; a notice of said meeting having been posted as required by law; and the twenty-second day of October, 1974, 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 of order of notice thereon to be served upon the Clerk of the Town of Braintree, 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 PATRIOT LEDGER, 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-second day of October, 1974 the Commissioners, James J. Collins, George B. McDonald and Henry D. Hersey (acting in place of Thomas K. McManus) met at the time and place specified in said Order when and where the petitioners appeared and the Town of BRAINTREE was represented by its Selectmen and its Town Engineer, John Fehan; 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 relocated as prayed for in said petition.

And thence the same was continued and adjourned to a meeting of the Commissioners held at Dedham, on the twenty-ninth day of October, 1974, by adjournment of their September meeting next preceding; a notice of said meeting having been posted as required by law; when and where upon the adjudication aforesaid, the Commissioners appointed the nineteenth day of November, 1974 and two-thirty o'clock in the afternoon at the Court House in said 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 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 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 Pond Street as prayed for in said petition.

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

The northerly line begins at a stone bound on the northerly line of Pond Street as laid out by the Norfolk County Commissioners by return dated May 25, 1971, said bound being

4:

449

opposite station 4+10; thence N-28-43-10-E, 30.00 ft. to a stone bound; thence S-59-31-56-E, 80.03 ft. to a stone bound; thence S-28-43-10-W, 30.00 ft. to a stone bound on said northerly line of Pond Street, said bound being opposite station 4+90.05.

The southerly line begins at a stone bound on the southerly line of Pond Street as laid out by the Norfolk County Commissioners by return dated May 25, 1971, said bound being opposite station 4+20; thence S-28-43-10-W, 30.00 ft. to a stone bound; thence S-63-45-18-E, 60.06 ft. to a stone bound; thence N-28-43-10-E, 30.00 ft. to a stone bound on said southerly line of Pond Street; said bound being opposite station 4+80.04.

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 relocation hereinbefore described and shown as parcels 1, 4, 13 and 15 upon a plan entitled "Plan showing the Relocation and Widening of Portions of Pond Street, Braintree between Granite Street and Canal Street, as made by the Norfolk County Commissioners by Return dated April 15, 1975. Scale: 1 inch = 40 feet. Alvah L. Downs, County Engineer" and signed by "James J. Collins, Chairman" which plan is filed herewith the 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 purpose of properly draining said way easements and rights in Parcels 6, 7, 10, 11 and 17 as indicated on said plan, being more fully described as follows:

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Beginning at a point on the northerly line of Pond Street as laid out by the Norfolk County Commissioners by return dated May 25, 1971, said point being 65.61 ft. easterly of a stone bound at the westerly end of a 510.00 ft. radius curve; thence N-22-02-59-W, 20.60 ft. to a point; thence N-77-56-37-E, 20.03 ft. to a point; thence S-22-02-59-E, 20.40 ft. to a point on said northerly line of Pond Street; thence westerly and northwesterly by said northerly line of Pond Street by a 510.00 ft. radius curve 20.00 ft. to the point of beginning. Being shown as Parcels 6 and 7 on said plan.

Beginning at a point on the southerly line of Pond Street as laid out by the Norfolk County Commissioners by return dated May 25, 1971, said point being 15.00 ft. easterly of a stone bound at the westerly end of a 570.00 ft. radius curve; thence S-22-03-26-E, 29.93 ft. to a point; thence S-75-31-04-W, 5.00 ft. to a point; thence N-66-07-41-W, 39.12 ft. to a point on said southerly line of Pond Street; thence northerly and easterly by said southerly line of Pond Street by a 25.69 ft. radius curve 18.00 ft. to a stone bound; thence to the left by a 570.00 ft. radius curve 15.00 ft. to the point of beginning. Being shown as Parcels 10 and 11 on said plan.

Beginning at a point on the southerly line of Pond Street as laid out by the Norfolk County Commissioners by return dated May 25, 1971, said point being 31.86 ft. westerly of a stone bound at the easterly end of a 305.00 ft. radius curve; thence S-15-06-46-E, 30.00 ft. to a point; thence S-70-43-00-W, 40.00 ft. to a point; thence N-23-27-14-W, 30.00 ft. to a point on said

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 BRAINTREE.

And it is determined by the Commissioners that all the expense of making the relocation of way as prescribed in this Return and Order, including the expenses of constructing and maintaining said way, and all land and other damages and expenses incident thereto be paid by the Inhabitants of the Town of BRAINTREE.

And the said 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 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 the General Laws, Chapter 79, possession becoming effective upon the recording of this Return and Order of Taking in the Norfolk County Registry of Deeds.

<u>Pcl. No.</u>	<u>Owner</u>	<u>Approx. Sq.Ft. Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
1	Frank R. Santosuosso	1660	3.98	83.00
2	Frank R. Santosuosso	Temp. Easement	-	9.40
3	Joseph C. and Judith A. McDonald	Temp. Easement	-	1.00
Mtg: The Braintree Savings Bank				

<u>Pcl. No.</u>		<u>Approx. Sq.Ft. Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
4	Joseph C. and Judith A. McDonald	700	6.23	35.00
	Mtg: The Braintree Savings Bank			
5	Royal Lake Village Condominium Trust	Temp. Basement	-	31.92
	Mtg: The Boston Five Cents Savings Bank			
6	Royal Lake Village Condominium Trust	260	5.54	65.00
	Mtg: The Boston Five Cents Savings Bank			
7	Nicholas Pino	146	.50	36.50
	Mtg: Mary E. Lakin			
8	Nicholas Pino	Temp. Basement	-	16.00
	Mtg: Mary E. Lakin			
9	Michael and Rose A. DeFrancesco	Temp. Basement	-	23.76
	Mtg: The Braintree Savings Bank			
10	Michael and Rose A. DeFrancesco	304	1.46	76.00
	Mtg: The Braintree Savings Bank			
11	Kenneth R. and Zenaida U. Gaudet	300	1.80	75.00
	Land Court Cert. No. 92824 Book 465 Page 24			
	Mtg: South Weymouth Savings Bank			
12	Kenneth R. and Zenaida U. Gaudet	Temp. Basement	-	43.84
	Land Court Cert. No. 92824 Book 465 Page 24			
	Mtg: South Weymouth Savings Bank			

<u>Pcl. No.</u>		<u>Approx. Sq.Ft. Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
13	Bruno and Juliet Migliorini Land Court Cert. No. 78570 Book 393 Page 170 Mtg: The Braintree Co-operative Bank	711	2.02	135.55
14	Bruno and Juliet Migliorini Temp. Easement Land Court Cert. No. 78570 Book 393 Page 170 Mtg: The Braintree Co-operative Bank		-	2.00
15	Joseph N. and Michael J. Verrochi, Jr. Trustees of Verrochi Realty Trust	1140	4.83	57.00
16	Joseph N. and Michael J. Verrochi, Jr. Trustees of Verrochi Realty Trust	Temp. Easement	-	2.80
17	Joseph N. and Michael J. Verrochi, Jr. Trustees of Verrochi Realty Trust	1285	5.45	32.13
		<b>Total</b>	<b>\$31.81</b>	<b>\$725.90</b>



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 for the purpose of constructing said way.

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, April 15, 1975: 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 BRAINTREE, within the limits of which 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: J. C. Selby - Asst Clerk