

#600

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 of Norfolk, 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 about Station 44 and about Station 48 of the May 25, 1971 County Commissioners' Layout of said street, as authorized by Chapter 359 of the Acts of 1973.

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

Dated September 3, 1974

Carl R. Johnson, Jr.	Selectmen
Robert E. Frazier	Selectmen
Donald J. Laing	Selectmen
James E. Sullivan	Planning Board
Edward S. Dowd	Planning Board

\*\*\*\*\*

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

See p. 232-1975 Re Book 248

two-thirty o'clock in the afternoon at the Court House in said Dedham was 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 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 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 Town Engineer, John F. Fehan; 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 from time to time to this meeting.

And now the said Commissioners, by courses and distances, metes and bounds, do relocate said POND STREET as prayed for in said petition.

And the lines of relocation of said POND STREET are as follows:-

Beginning at a point on the present southerly line of Pond Street as laid out by the Norfolk County Commissioners by return dated May 25, 1971, said point being 308.94 ft. easterly of the westerly end of a 700.00 ft. radius curve; thence continuing easterly by the same curve 17.57 ft. to a stone bound; thence S-67-55-40-E, 228.89 ft. to a stone bound; thence to the left by a 860.00 ft. radius curve 136.11 ft. to a point on the present southerly line of Pond Street, as laid out by the Norfolk County Commissioners by return dated May 25, 1971, said point being 91.00 ft. westerly of the easterly end of a 860.00 ft. radius curve.

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 southerly line as laid out by the Norfolk County Commissioners by return dated May 25, 1971, all as shown upon a plan entitled "Plan showing the Relocation and Widening of a portion of Pond Street, Braintree, authorized by Chapter 359-Acts of 1973, as made by the Norfolk County Commissioners by Return dated April 15, 1975. 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, and as

further authorized by Chapter 359 of the Acts of 1973 entitled:  
An act authorizing the Town of Braintree to use a portion of the  
Pond Street Cemetery and South Parish Cemetery to widen Pond Street.

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

And it is determined by the Commissioners that the  
Inhabitants of the Town of BRAINTREE, 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 railings 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 to be 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 prescribed in this Return  
and Order, including the expense 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 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 setoff 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 County Registry of Deeds.

<u>Pcl. No.</u>	<u>Owner</u>	<u>Sq.Ft. Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
1	Town of Braintree (Cemetery)	4347	-	None
2	South Parish in Braintree (Cemetery)	1912	-	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 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, the fifteenth day of April, 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 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:  Clerk

Recorded Apr. 28, 1975 at 11h. 08m. A.M.