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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 fourth day of February, 1975, by adjournment of their December meeting next preceding: a notice of said meeting having been posted as required by law:

The petition of ROBERT E. LOEW and others of Plainville, 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 PLAINVILLE in said County, that common convenience and necessity require that the way known as MESSINGER STREET, a public way in said town, be relocated between East Bacon Street and North Attleborough Town Line for the purpose of establishing the grade and acquiring slope easements.

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

Dated July 31, 1974

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|--------------------|--------------------------|----------------------|
| Robert E. Loew | Ruth R. Fulton | Walter L. Larsson |
| Ray P. Felix | Georgette M. Plante | Arthur W. Myers |
| Robert W. Root | Clarence E. Skinner, Jr. | Irene M. Tremblay |
| Everett W. Skinner | Ronald A. Fredrickson | Kathleen M. Sandland |
| Bruce E. Hastings | | |

This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, aforesaid, 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-ninth day of October, 1974 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 Plainville, being the town within which such relocation of way was

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prayed for, fifteen days at least before the time appointed for said view: and also caused copies of an abstract of said petition and 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-ninth day of October, 1974 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 PLAINVILLE 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 the 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 do establish the grade and limits of slope as prayed for in said petition. The limits of slope, in general, are established on a basis of four feet horizontally to one foot vertically where the variation of grade is less than three feet and two feet horizontally to one foot vertically where the variation of grade is over three feet.

And the said Commissioners do hereby take for highway purposes temporary easements, in lands adjoining the location of said way as laid out by the Norfolk County Commissioners by return dated June 2, 1931 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, all as shown upon a

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plan entitled "Plan and Profile showing the Relocation of Messinger Street, Plainville, between The North Attleborough Town Line and East Bacon Street, as made by the Norfolk County Commissioners by Return dated February 4, 1975. Horizontal Scale: 1 inch = 40 feet. Vertical Scale: 1 inch = 8 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.

All of said easements are to be in effect only until said way is constructed to the full width of the layout and a certificate to that effect has been duly filed by the County Commissioners with their official records.

And the said Commissioners do likewise further take for the purpose of properly draining said way, easements and rights in Parcel 1A as indicated on said plan, being more fully described as follows:

Beginning at a point on the westerly line of Messinger Street as laid out by the Norfolk County Commissioners by return dated June 2, 1931, said point being opposite Station 93+42; thence N-49-21-25-W, 10.97 ft. to a point; thence N-16-24-55-E, 113.50 ft. to a point; thence to the right by a 2060.00 ft. radius curve 354.78 ft. to a point; thence to the right by a 410.00 ft. radius curve 34.74 ft. to a point; thence S-52-08-29-E, 10.07 ft. to a point on said westerly line of Messinger Street; said point being opposite Station 88+50; thence southwesterly by said westerly line of Messinger Street by a 400.00 ft. radius curve 32.71 ft. to a point; thence southwesterly and southerly by a 2050.00 ft. radius curve 353.06 ft. to a point; thence S-16-24-55-W, 118.00 ft. to the point of beginning.

And it is determined by the Commissioners, that the Inhabitants of the Town of PLAINVILLE do, within two years from the date of this Return and Order, complete said way in a thorough and

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workmanlike manner and to the acceptance of the County Commissioners.

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 PLAINVILLE.

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>Approx. Sq.Ft. Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
1	Arthur W., Jr. and Margaret E. Meyers	Slope Easement	-	\$54.00
1A	Arthur W., Jr. and Margaret E. Meyers	5,043	.38	403.00
2	Arthur W., Jr. and Margaret E. Meyers	Slope Easement	-	124.00
3	Eugene F. and Sophie A. Gucwa	Slope Easement	-	6.00
4	Kar Kraft Systems, Inc.	Slope Easement	-	63.00

Land Court Cert. No. 94270
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Mtg: United National Bank

<u>Pcl. No.</u>	<u>Approx. Sq.Ft. Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
5 Walter L. Larsson Land Court Cert. No. 60101 Book 301 Page 101	Slope Easement	-	\$70.00
6 Benedict J. Germaine and Alfred A. Marsella Land Court Cert. No. 91750 Book 459 Page 150	Slope Easement	-	8.00
7 Benedict J. Germaine and Alfred A. Marsella	Slope Easement	-	5.00
8 G. H. Morse, Sr., G. H. Morse, Jr., and C. E. Morse	Slope Easement	-	7.00
9 Gerald E. and Allen O. Riley	Slope Easement	-	18.00
10 Gerald E. and Allen O. Riley Land Court Cert. No. 80654 Book 404 Page 54	Slope Easement	-	225.00
11 Eugene F. and Sophie A. Gucwa	Slope Easement	-	197.00
12 Gordon A. Bielecki	Slope Easement	-	92.00
13 Arthur W., Jr. and Margaret E. Meyers	Slope Easement	-	70.00
Total		\$.38	\$1,342.00

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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, February 4, 1975, by adjournment of their December 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 PLAINVILLE, 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: *C. L. Thomson* Clerk

Recorded Feb. 5, 1975 at 10h. 36m. A. M.