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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 fourteenth day of January, 1981, by adjournment of their December meeting next preceding; a notice of said meeting having been posted as required by law;

The petition of Paul F. Mitchell and others of MEDWAY and FRANKLIN 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 Towns of Medway and Franklin in said County, that common convenience and necessity require that an alteration be made in the layouts of Franklin Street, between the Charles River and a point two hundred and fifty feet northerly of Village Street, in said town of Medway, and Pond Street, between the Charles River and a point four hundred feet southerly thereof, in said town of Franklin, for the purpose of constructing a new bridge and approaches thereto over said Charles River.

WHEREFORE YOUR PETITIONERS PRAY that said ways may be altered within the limits above specified.

Dated June 24, 1980

TOWN OF MEDWAY

Paul F. Mitchell
James M. Jeffers
Paul J. DeSimone

TOWN OF FRANKLIN

Albert R. Brunelli
Robert W. Atkins
Robert C. MacKenzie
James C. Chilson
Joseph A. DiBenedetto
Norman C. Ristaino
David L. Nasuti
Charles Yergatian
Warren B. Pettit
Thomas G. Morris
Alfred H. Wahlers
Elynor Crothers
Robert E. Crowley, Jr.
Alan W. Chirgwin

REFER TO PLAN NO. 57-1981 R. 286

Amended. Vol. 5847 P. 493
D 5-TC-5

This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, on the twenty-second day of October 1980, by adjournment of their September meeting next preceding; a notice of said meeting having been posted as required by law; and the nineteenth day of November 1980, and two-thirty o'clock in the afternoon at the Engineering Department, Registry of Deeds Building in said Dedham were appointed by said Commissioners as the time and place for commencing and proceeding to view and to hear and act on the petition; and seven days at least before the date for said view and hearing they caused notice to be mailed to the recorded owners of land subject to a taking because of such alterations; and they thereupon caused a copy of said petition and of order of notice thereon to be served upon the Clerks of the Towns of MEDWAY and FRANKLIN, being the towns within which such alteration of ways was prayed for, fifteen days at least before the time appointed for said view and hearing, 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 towns; and to be published in the Milford Daily News, a newspaper published in Milford, said posting and publication having been seven days at least before the time appointed for said view and hearing, 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 nineteenth day of November 1980, the Commissioners, George B. McDonald and David C. Ahearn, met at the time and place specified in said order, when and where the petitioners appeared and the Town of MEDWAY was represented by its Selectmen and the Town of FRANKLIN by its Council; 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 ways be altered as prayed for in said petition.

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

And now the Commissioners, James J. Collins, George B. McDonald and David C. Ahearn, by courses and distances, metes and bounds, do make an alteration in said Pond Street, FRANKLIN and Franklin Street, MEDWAY as prayed for in said petition.

And the lines of said alterations are as follows:

The westerly line of Pond Street, Franklin begins at a stone bound on the westerly line of Pond Street as laid out by the Norfolk County Commissioners by return dated July 1, 1930; said bound being about 400 ft. southerly of the Franklin-Medway Town Line, thence northerly and northwesterly by a 4000.00 ft. radius curve, 92.48 ft. to a stone bound; thence $N-15^{\circ}-43'-40''-W$, 200.00 ft. to a stone bound; thence continuing on the same course, 41.94 ft. to a stone bound; thence $S-74^{\circ}-16'-20''-W$, 25.00 ft. to a stone bound; thence $N-15^{\circ}-43'-40''-W$, 42.00 ft. to an unmarked point in the middle of the Charles River and the Franklin-Medway Town Line.

The easterly line of Pond Street, Franklin begins at a stone bound on the easterly line of Pond Street as laid out by the Norfolk County Commissioners by return dated July 1, 1930; said bound being $N-75^{\circ}-35'-49''-E$, 50.00 ft. from the first bound on the westerly line as above described; thence northerly and northwesterly by a 4050.00 ft. radius curve, 93.64 ft. to a stone bound;

thence N-15°-43'-40"-W, 200.00 ft. to a stone bound; thence continuing on the same course 36.94 ft. to a stone bound; thence N-74°-16'-20"-E, 25.00 ft. to a stone bound; thence N-15°-43'-40"-W, 67.00 ft. to an unmarked point in the middle of the Charles River and the Franklin-Medway Town Line, said point being about 105 ft. easterly from the last point on the westerly line as above described.

The westerly line of Franklin Street, Medway begins at an unmarked point in the middle of the Charles River and the Franklin-Medway Town Line, said point being the last point on the westerly line of Pond Street, Franklin as above described; thence N-15°-43'-40"-W, 48.00 ft. to a stone bound; thence N-74°-16'-20"-E, 25.00 ft. to a stone bound; thence N-15°-43'-40"-W, 98.46 ft. to a stone bound; thence to the left by a 31.63 ft. radius curve, 49.57 ft. to a stone bound which is on the southerly line of Waterview Drive; thence N-9°-31'-43"-W, 50.27 ft. to a stone bound which is on the northerly line of Waterview Drive; thence easterly and northerly by a 30.00 ft. radius curve, 45.08 ft. to a stone bound; thence northerly and northeasterly by a 1525.00 ft. radius curve, 166.37 ft. to a stone bound; thence N-5°-21'-40"-W, 170.82 ft. to a stone bound; thence to the left by a 18.29 ft. radius curve, 31.20 ft. to a stone bound which is on the southerly line of Village Street as laid out by the Norfolk County Commissioners by return dated November 8, 1921; thence N-6°-39'-58"-W, 50.31 ft. to a stone bound which is on the northerly line of said 1921 layout of Village Street; thence easterly and northerly by a 34.00 ft. radius curve, 49.65 ft. to a stone bound; thence N-6°-19'-25"-W, 191.68 ft. to a stone bound.

The easterly line of Franklin Street, Medway begins at an unmarked point in the middle of the Charles River and the Franklin-Medway Town Line, said point being the last point on the easterly line of Pond Street, Franklin as above described and being about 105 ft. easterly from the first point on the westerly line of Franklin Street, Medway as above described; thence N-15°-43'-40"-W, 38.00 ft. to a stone bound; thence S-74°-16'-20"-W, 25.00 ft. to a stone bound; thence N-15°-43'-40"-W, 88.46 ft. to a stone bound; thence to the right by a 1475.00 ft. radius curve, 266.88 ft. to a stone bound; thence N-5°-21'-40"-W, 149.18 ft. to a stone bound; thence to the right by a 52.73 ft. radius curve, 78.69 ft. to a stone bound which is on the southerly line of Village Street as laid out by the Norfolk County Commissioners by return dated November 8, 1921; thence N-9°-51'-10"-W, 50.00 ft. to a stone bound which is on the northerly line of said 1921 layout of Village Street; thence westerly and northerly by a 42.91 ft. radius curve, 67.21 ft. to a stone bound; thence N-6°-19'-25"-W, 175.25 ft. to a stone bound, said bound being N-83°-40'-35"-E, 41.25 ft. from the last bound on the westerly line of Franklin Street as above described.

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 said alterations hereinbefore described, all as shown upon a plan entitled "Plan showing the Alteration of a portion of Pond Street, Franklin and Franklin Street, Medway, as made by the Norfolk County Commissioners

by return dated January 14, 1981. 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 the said Commissioners do likewise take temporary easements in Parcels TE-1 through TE-21 inclusive, as shown on the aforesaid plan, consisting of the right to construct slopes, walls, retaining walls, walks, steps, drives, fences, curbing, railing and remove trees and any other things that may be reasonably necessary to accomplish the purpose of this order of taking, between the lines of said alterations and the limit of easement as shown on said plan. Said temporary easements to be in effect only until said way is constructed to the full width of the layouts as above described and a certificate to that effect has been duly filed by the County Commissioners with their official records.

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

And it is determined by the Commissioners that all portions of the existing highway, between the termini of these alterations lying outside the lines herein established, are hereby discontinued.

And it is determined by the Commissioners that the Inhabitants of the Towns of FRANKLIN and MEDWAY 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 ways shall be constructed not less than twenty-two (22) feet in width.

Suitable sidewalks, gutters, culverts, slopes, walls, retaining walls, walks, steps, drives, fences, curbing and railings shall be constructed wherever, in the opinion of the County Commissioners, they are needed.

And it is determined by the Commissioners that all the expense of making the alteration of ways prescribed in this Return and Order, including the expense of constructing and maintaining said ways, and all land and other damages and expenses incident thereto shall be paid out of the treasuries of the Towns of FRANKLIN and MEDWAY within fifteen days after demand therefor by any person entitled thereto is made, and should the County be put to any legal expense or any other expense relating to damages, or any further damages be recovered, they shall be paid out of the treasuries of said towns.

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>Owners</u>	<u>Approximate Area Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
1.	John F. and Barbara F. Halliday Mtg: Benjamin Franklin Savings Bank	1050 S.F.	19.65	\$897.00
2.	Vahan Sarkisian, Trustee of Charles Pond Village Realty Trust Mtg: University Bank and Trust Company Mtg: Anne J. Sarkisian, Trustee of D.J.T. Realty Trust Mtg: Borough Corp.	1600 S.F.	2.21	946.00
3.	Vahan Sarkisian, Trustee of Charles Pond Village Realty Trust (Waterview Drive) Mtg: University Bank and Trust Company Mtg: Anne J. Sarkisian, Trustee of D.J.T. Realty Trust Mtg: Borough Corp.	1950 S.F.	2.70	None
4.	Vahan Sarkisian, Trustee of Charles Pond Village Realty Trust Mtg: University Bank and Trust Company Mtg: Anne J. Sarkisian, Trustee of D.J.T. Realty Trust Mtg: Borough Corp.	996 S.F.	1.38	650.00
5.	Consolidated Rail Corporation	1100 S.F.	-	110.00
6.	Thomas P. and Sophie Flood	1900 S.F.	21.04	1,235.00
7.	Harvey B. Davis, Trustee of Gertrude Davis Trust Mtg: Milford National Bank and Trust Company Mtgs: Industrial National Bank of Rhode Island	3000 S.F.	39.72	1,050.00

<u>Pcl. No.</u>	<u>Owners</u>	<u>Approximate Area Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
8.	Calvin and Elouise B. White, Trustees of White Family Realty Trust	1500 S.F.	29.84	1,485.00
	Land Court Cert. No. 96653 Book 484 Page 53			
	Mtg: Home Savings Bank			
TE-1	Bernice E. Zimmer and Elizabeth R. Gotz	370 S.F.	-	36.00
	Mtg: Worcester County Insti- tution for Savings			
TE-2	John P. and Barbara P. Halliday	1400 S.F.	-	143.00
	Mtg: Benjamin Franklin Savings Bank			
TE-3	Vahan Sarkisian, Trustee of Charles Pond Village Realty Trust	1550 S.F.	-	110.00
	Mtg: University Bank and Trust Company			
	Mtg: Anne J. Sarkisian, Trustee of D.J.T. Realty Trust			
	Mtg: Borough Corp.			
TE-4	Vahan Sarkisian, Trustee of Charles Pond Village Realty Trust	1200 S.F.	-	94.00
	Mtg: University Bank and Trust Company			
	Mtg: Anne J. Sarkisian, Trustee of D.J.T. Realty Trust			
	Mtg: Borough Corp.			
TE-5	Consolidated Rail Corporation	900 S.F.	-	10.00
TE-6	Thomas P. and Sophie Flood	2900 S.F.	-	227.00
TE-7	Thomas P. and Sophie Flood	160 S.F.	-	13.00

<u>Pcl. No.</u>	<u>Owners</u>	<u>Approximate Area Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
TE-8	John J. and Rita D. Flood Mtg: Medway Savings Bank	40 S.F.	-	4.00
TE-9	John J. and Rita D. Flood Mtg: Medway Savings Bank	20 S.F.	-	2.00
TE-10	John J., Jr. and Christine T. O'Rourke Mtg: Medway Cooperative Bank	200 S.F.	-	18.00
TE-11	Mary J. O'Sullivan Mtg: Benjamin Franklin Savings Bank	50 S.F.	-	4.00
TE-12	John A. and Pamela Piccinini Mtg: Medway Cooperative Bank	400 S.F.	-	32.00
TE-13	Russell R. Just	1550 S.F.	-	100.00
TE-14	Harvey B. Davis, Trustee of Gertrude Davis Trust Mtg: Milford National Bank and Trust Company Mtgs: Industrial National Bank of Rhode Island	4000 S.F.	-	170.00
TE-15	Harvey B. Davis, Trustee of Gertrude Davis Trust Mtg: Milford National Bank and Trust Company Mtgs: Industrial National Bank of Rhode Island	220 S.F.	-	10.00
TE-16	Calvin and Elouise B. White Trustees of White Family Realty Trust Land Court Cert. No. 96653 Book 484 Page 53 Mtg: Home Savings Bank	500 S.F.	-	60.00
TE-17	Calvin and Elouise B. white Trustees of White Family Realty Trust Land Court Cert. No. 96653 Book 484 Page 53 Mtg: Home Savings Bank	630 S.F.	-	75.00

<u>Pcl. No.</u>	<u>Owners</u>	<u>Approximate Area Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
TE-18	James J. and Kathleen M. Simpson Land Court Cert. No. 107525 Book 538 Page 125 Mtg: Attleborough Savings Bank Mtg: Suburban Credit Union	300 S.F.	-	22.00
TE-19	Mikellis and Biruta A. Lenbergs Land Court Cert. No. 102434 Book 513 Page 34 Mtg: Medway Cooperative Bank	170 S.F.	-	6.50
TE-20	Mikellis and Biruta A. Lenbergs Land Court Cert. No. 102434 Book 513 Page 34 Mtg: Medway Cooperative Bank	170 S.F.	-	6.50
TE-21	Peter F., Jr. and Martha J. Daley Mtg: Medway Savings Bank	450 S.F.	-	26.00
		Totals	\$116.54	\$7,542.00

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 three months from the date of possession, and if they shall not be so removed, the Commissioners shall have the option to do so.

JAMES J. COLLINS

GEORGE B. McDONALD

DAVID C. AHEARN

COUNTY COMMISSIONERS

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

At a meeting of the County Commissioners, held at Dedham, on Wednesday, the fourteenth day of January 1981, 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 Clerks of the Towns of FRANKLIN and MEDWAY within which the limits of said highways described therein lie, that the same may be recorded by said Clerks, within ten days, in the book of records kept in said towns for that purpose.

JAMES J. COLLINS

GEORGE B. McDONALD

DAVID C. AHEARN

COUNTY COMMISSIONERS

A True Copy:
Attest:

John P. Conner
CLERK