

631

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 tenth day of February, 1982, by adjournment of their December meeting next preceding:

The petition of JOSEPH F. SPAS and others of Bellingham, 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 BELLINGHAM in said County, that common convenience and necessity require that the way known as Centre Street, a public way in said town, be relocated throughout its entire length 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 August 24, 1981

Joseph F. Spas
Wilfred Arcand, Jr.
William P. Bissonette
Lawrence J. Cibley

Gerard L. Daigle

This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, aforesaid, on the twenty-sixth day of August, 1981, by adjournment of their June meeting next preceding: a notice of said meeting having been posted as required by law: and the twenty-third day of September, 1981, and two-thirty o'clock in the afternoon at the Engineering Department, Registry of Deeds Building in said Dedham

RECORDED TO FILE ON 124 of 1982 IN BOOK 294

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 BELLINGHAM, 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 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, 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-third day of September, 1981, the Commissioners, James J. Collins, 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 said Commissioners then viewed the route and premises, and heard all persons and corporations interested; and thence the same was continued and adjourned to a meeting of the Commissioners held at Dedham on the thirtieth day of September, 1981, a notice of said meeting having been posted as required by law, at which time the said Commissioners did adjudge that common convenience and necessity require that said way be relocated as prayed for in said petition and appointed the fourth day of November, 1981 and three o'clock in the afternoon at the Engineering Department, Registry of Deeds Building 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 said Commissioners 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 said Commissioners, by courses and distances, metes and bounds, do relocate said Centre Street as prayed for in said petition.

And the lines of said relocation of Centre Street, consisting of the alteration of three portions of the present layout, are as follows:

Beginning at a stone bound on the westerly line of Centre Street as laid out by the Norfolk County Commissioners by return dated December 1, 1953, said bound being opposite station 88+90.88; thence northerly and westerly by a 15.00 ft. radius curve, 19.17 ft. to a stone bound which is on the southerly line of Gail Drive; thence by said southerly line of Gail Drive S-89°-21'-30"-E, 11.15 ft. to a point on said westerly line of Centre Street.

Beginning at a point on the westerly line of Centre Street as laid out by the Norfolk County Commissioners by return dated December 1, 1953, said point being 41.78 ft. northerly of the last point above described; thence N-89°-21'-30"-W, 20.19 ft. by the northerly line of Gail Drive to a stone bound; thence easterly and northerly by a 15.00 ft. radius curve, 27.95 ft. to a stone bound on said westerly line of Centre Street, said bound being opposite station 89+64.00.

Beginning at a stone bound on the northerly line of Pulaski Boulevard as laid out by the Norfolk County Commissioners by return dated December 28, 1926, said bound being 153.89 ft. westerly of the easterly end of a 714.00 ft. radius curve; thence westerly and northerly by a 30.00 ft. radius curve, 59.03 ft. to a stone bound; thence N-20°-25'-30"-E, 246.80 ft. to a stone bound on the easterly line of Centre Street as laid out by the Norfolk County Commissioners by return dated December 1, 1953, said bound being at the northerly end of a 760.00 ft. radius curve opposite station 6+08.14.

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 lines and the lines previously established and shown as "Parcel 1, 23 S.F.", "Parcel 2, 93 S.F.", and "Parcel 3, 5145 S.F." respectively upon a plan entitled "Plan showing the Relocation and Widening of Centre Street, Bellingham between Pulaski Boulevard and South Main Street, as made by the Norfolk County Commissioners by Return dated February 10, 1982. 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 purpose of properly draining said way easements and rights in Parcels D1 through D12 inclusive as indicated on said plan, being more fully described as follows:

Beginning at a point on the westerly line of Centre Street as laid out by the Norfolk County Commissioners by return dated December 1, 1953, said point being opposite station 53+92; thence N-78°-07'-30"-W, 20.00 ft. to a point; thence N-11°-52'-30"-E, 30.00 ft. to a point; thence S-78°-07'-30"-E, 20.00 ft. to a point on said westerly line of Centre Street, said point being opposite station 54+22; thence southerly by said westerly line of Centre Street 30.00 ft. to the point of beginning. Being shown as Parcels D1 and D2 on said plan.

Beginning at a point on the westerly line of said 1953 layout of Centre Street, said point being opposite station 60+27.80; thence S-70°-54'-01"-W, 20.00 ft., to a point; thence N-19°-58'-36"-W, 30.00 ft. to a point; thence N-69°-08'-47"-E, 20.00 ft. to a point on said westerly line of Centre Street, said point being opposite station 60+59.33; thence southerly by said westerly line of Centre Street 30.61 ft. to the point of beginning. Being shown as Parcel D3 on said plan.

Beginning at a point on the westerly line of said 1953 layout of Centre Street, said point being opposite station 99+74.82; thence S-76°-02'-10"-W, 30.00 ft. to a point; thence N-17°-55'-26"-W, 20.00 ft. to a point; thence N-76°-02'-10"-E, 30.00 ft. to a point on said westerly line of Centre Street, said point being opposite station 99+94.97; thence southerly by said westerly line of Centre Street 20.00 ft. to the point of beginning. Being shown as Parcel D4 on said plan.

Beginning at a point on the westerly line of said 1953 layout of Centre Street, said point being opposite station 100+15.12; thence N-42°-42'-12"-W, 74.14 ft. to a point; thence

N-44°-13'-20"-E, 33.54 ft. to a point on said westerly line of Centre Street, said point being opposite station 100+98.57; thence southerly by said westerly line of Centre Street 23.00 ft. and 60.00 ft. respectively to the point of beginning. Being shown as Parcel D5 on said plan.

Beginning at a point on the easterly line of Centre Street as laid out by the Norfolk County Commissioners by return dated December 1, 1953, said point being opposite station 41+24.06; thence S-54°-19'-44"-E, 170.75 ft. to a point on the northwesterly line of Park Street; thence southwesterly by said northwesterly line of Park Street 30.26 ft. to a point; thence N-54°-19'-44"-W, 150.24 ft. to a point on said easterly line of Centre Street, said point being opposite station 40+89.78; thence northerly by said easterly line of Centre Street 34.28 ft. to the point of beginning. Being shown as Parcels D6 and D7 on said plan.

Beginning at a point on the southeasterly line of Park Street, said point being 262.39 ft. northeasterly of a stone bound at the northeasterly end of a 200.00 ft. radius curve at the intersection of Centre and Park Streets; thence S-58°-08'-49"-E, 161.54 ft. to a point; thence S-31°-51'-11"-W, 30.00 ft. to a point; thence N-58°-08'-49"-W, 167.53 ft. to a point on said southeasterly line of Park Street; thence northeasterly by said southeasterly line of Park Street 30.59 ft. to the point of beginning. Being shown as Parcels D8, D9 and D10 on said plan.

Beginning at a point on the easterly line of Centre Street as laid out by the Norfolk County Commissioners by return dated November 8, 1955, said point being opposite station 20+72.58; thence S-86°-56'-10"-E, 641.21 ft. to a point; thence

S-3°-03'-50"-W, 30.00 ft. to a point; thence N-86°-56'-10"-W, 648.37 ft. to a point on said easterly line of Centre Street, said point being opposite station 20+41.74; thence northerly by said easterly line of Centre Street 30.84 ft. to the point of beginning. Being shown as Parcels D11 and D12 on said plan.

And the said Commissioners do likewise further take temporary easements in Parcels TE-1 through TE-61 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 the order of taking.

And it is likewise determined by the Commissioners that all the easements acquired by their Return and Order dated December 1, 1953 and their Return and Order dated November 8, 1955 between the lines of location and the limit of slope as described in said Orders are discontinued and the Commissioners do herewith retain and lay out temporary easements between the lines aforesaid, consisting of the rights hereinbefore described for parcels TE-1 through TE-61 inclusive.

All of said temporary 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 and recorded by the County Commissioners.

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 BELLINGHAM 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, 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 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 shall be paid out of the treasury of the Town of BELLINGHAM 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 treasury of said town.

And the said 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 accord-

ance 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.

Parcels TE-11 and TE-13 are being taken from the Ukrainian Progressive Society by consent of the Directors of said Society, under the provisions of General Laws, Chapter 114, Section 41, and in accordance with the following vote:

"I, William L. Fosik, certify that I am Secretary of the Ukrainian American Cemetery, a Rhode Island corporation, formerly known as the Ukrainian Progressive Society and that at a regular meeting of the Board of Directors of said corporation, duly held on January 30, 1982, a quorum being present, it was, upon a motion duly made and seconded, unanimously VOTED: That permission and consent be given by the Ukrainian American Cemetery to the Norfolk County Commissioners, for an award of eighty-two dollars (\$82.00), for the right to make a taking of temporary construction easements on Centre Street, Bellingham, as shown on a plan submitted, as parcel TE-11 with an approximate area of 1900 square feet and parcel TE-13 with an approximate area of 530 square feet; for the purpose of building a County roadway, without charge, assessment, betterment, expense, cost or liability to the Ukrainian American Cemetery. Provided, however, that said temporary easements will be in effect only until said way is constructed and a certificate to that effect has been duly filed by the County Commissioners with their official records or until December 31, 1984, whichever occurs first.

A true copy

Attest: WILLIAM L. FOSIK
Secretary of
Ukrainian American Cemetery"

<u>Pcl. No.</u>	<u>Owners</u>	<u>Approximate Area Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
1.	Charles F. & Ruth A. Buckman Mtg: Benjamin Franklin Savings Bank	23 S.F.	\$ 0.10	\$11.00
2.	Earl B. Mullahoo Mtg: Woonsocket Institution for Savings Mtg: Valorie O'Handley Mullahoo Mtg: Lynn Plastics Corporation	93 S.F.	0.77	45.00
3.	David, Jr. & Velentine Riquier	5,145 S.F.	2.97	773.00
D1	Normand A. & Marleen P. Trudeau Mtg: Medway Savings Bank	130 S.F.	-	10.00
D2	Morton Schafer	470 S.F.	-	5.00
D3	Arthur J. Caya	608 S.F.	-	140.00
D4	Frank E. & Jo-Ann P. Morse Mtg: Rhode Island Hospital Trust National Bank Mtg: The Home National Bank of Milford	599 S.F.	-	75.00
D5	Robert S. & Eileen J. Bradley Mtg: Worcester Five Cents Savings Bank	1,251 S.F.	-	160.00
D6	Dennis D. Lomberto Mtg: Milford Savings Bank	4,330 S.F.	-	990.00
D7	Joseph Rosenfeld	490 S.F.	-	72.00
D8	Joseph Rosenfeld	100 S.F.	-	3.00
D9	Achillas R. Brillion	1,950 S.F.	-	1,612.00
D10	Joseph Rosenfeld	2,880 S.F.	-	1,069.00
D11	Donald W. & Olga B. Bubble Mtg: Natick Federal Savings & Loan Association	4,380 S.F.	-	163.00

<u>Pcl. No.</u>	<u>Owners</u>	<u>Approximate Area Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
D12	Valerie C. Scanlon Mtg: Marquette Credit Union	14,964 S.F.	-	562.00
TE-1	Marie Sacco	580 S.F.	-	60.00
TE-2	Richard D. & Jeanne S. Sutherland Mtg: Medway Savings Bank	1,200 S.F.	-	90.00
TE-3	Fernand A. & Simone Roux Mtg: Milford Savings Bank	1,800 S.F.	-	325.00
TE-4	Phyllis J. Langlais Mtg: Woonsocket Institution for Savings	620 S.F.	-	40.00
TE-5	Richard T. & Joan T. MacDonald Mtg: Milford Savings Bank	780 S.F.	-	70.00
TE-6	Robert D. & Jeannine R. Hyland Mtg: Uxbridge Savings Bank	280 S.F.	-	40.00
TE-7	Paul E. & Reinette T. Sonnenberg Mtg: Uxbridge Savings Bank	320 S.F.	-	45.00
TE-8	Dwight D. & Nenita L. Mahoney Mtg: Milford Federal Savings and Loan Association	220 S.F.	-	35.00
TE-9	Leonard & Christine M. DeSimone Mtg: Worcester County Institution for Savings	220 S.F.	-	30.00
TE-10	Raymond E. & Sheleigh A. Fenoff Mtgs: Marquette Credit Union Mtg: Associates Financial Service of America, Inc.	210 S.F.	-	30.00
TE-11	Ukrainian Progressive Society	1,900 S.F.	-	70.00

<u>Pcl. No.</u>	<u>Owners</u>	<u>Approximate Area Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
TE-12	Ellsworth R. Crooks	380 S.F.	-	9.00
TE-13	Ukrainian Progressive Society	530 S.F.	-	12.00
TE-14	Frederick J., Jr. and Judith M. Stavinski Mtg: Uxbridge Savings Bank	180 S.F.	-	20.00
TE-15	Joseph E., Jr. and Cheryl Ann Collamati Mtg: Uxbridge Co-operative Bank Mtg: Joseph E. Collamati	100 S.F.	-	10.00
TE-16	Maurice & Mary Gregoire Mtg: Norfolk County Trust Company	650 S.F.	-	40.00
TE-17	Estate of Rose Mazdrachi Vasilichia Lavigne, Mary S. Gregoire and James D. Mazdrachi	550 S.F.	-	30.00
TE-18	John DiCrescentis and Helen Eloise Kangiser Mtg: Alphonse Louis DiCrescentis	1,000 S.F.	-	60.00
TE-19	Charles F. & Ruth A. Buckman Mtg: Benjamin Franklin Savings Bank	130 S.F.	-	9.00
TE-20	Stephen N. & Cecile D. Frechette Mtg: Milford Federal Savings and Loan Association	50 S.F.	-	5.00
TE-21	Stephen N. & Cecile D. Frechette Mtg: Milford Federal Savings and Loan Association	30 S.F.	-	3.00
TE-22	Richard W. & Sharon L. Capistran Mtg: Baybank Norfolk County Trust Company	80 S.F.	-	5.00
TE-23	William J. & Jean F. Nadon Mtg: Worcester County Insti- tution for Savings	400 S.F.	-	17.00

<u>Pcl. No.</u>	<u>Owners</u>	<u>Approximate Area Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
TE-24	William J. & Jean F. Nadon Mtg: Worcester County Institution for Savings	630 S.F.	-	28.00
TE-25	Frank E. & Jo-Ann P. Morse Mtg: Rhode Island Hospital Trust National Bank Mtg: The Home National Bank of Milford	3,700 S.F.	-	145.00
TE-26	Bernard A. & Gloria J. Tellier Mtg: Milford Savings Bank	650 S.F.	-	25.00
TE-27	Michael W. & Judith Healy Mtg: Benjamin Franklin Savings Bank	480 S.F.	-	35.00
TE-28	Olive M. Burr & Harold C. Burr, Jr.	1,600 S.F.	-	12.00
TE-29	Olive M. Burr & Harold C. Burr, Jr.	110 S.F.	-	1.00
TE-30	Dennis D. Lomberto Mtg: Milford Savings Bank	2,250 S.F.	-	119.00
TE-31	Dennis D. Lomberto Mtg: Milford Savings Bank	580 S.F.	-	31.00
TE-32	Joseph Rosenfeld	380 S.F.	-	34.00
TE-33	Joseph Rosenfeld	120 S.F.	-	10.00
TE-34	Joseph Rosenfeld	600 S.F.	-	54.00
TE-35	Joseph Rosenfeld	240 S.F.	-	2.00
TE-36	Achillas R. Brillon	230 S.F.	-	21.00
TE-37	Joseph Rosenfeld	370 S.F.	-	3.00
TE-38	Joseph Rosenfeld	350 S.F.	-	3.00
TE-39	Achillas R. Brillon	1,300 S.F.	-	117.00
TE-40	Joseph Rosenfeld	920 S.F.	-	7.00

<u>Pcl. No.</u>	<u>Owners</u>	<u>Approximate Area Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
TE-41	Joseph Rosenfeld	300 S.F.	-	1.00
TE-42	Joseph Rosenfeld	120 S.F.	-	1.00
TE-43	Joseph Rosenfeld	120 S.F.	-	1.00
TE-44	Thomas J. & Celeste A. Kelly	230 S.F.	-	15.00
	Land Court Cert. No. 109033 Book 546 Page 33			
	Mtg: Whitinsville Savings Bank			
TE-45	Thomas J. & Celeste A. Kelly	140 S.F.	-	10.00
	Land Court Cert. No. 109033 Book 546 Page 33			
	Mtg: Whitinsville Savings Bank			
TE-46	Gerald P. & Ida L. Morel and Roland A. & Patricia J. Champagne	620 S.F.	-	33.00
	Land Court Cert. No. 99444 Book 498 Page 44			
	Mtg: Old Stone Bank			
TE-47	Gerald P. & Ida L. Morel and Roland A. & Patricia J. Champagne	1,200 S.F.	-	37.00
	Land Court Cert. No. 99444 Book 498 Page 44			
	Mtg: Old Stone Bank			
TE-48	Rita M. E. Godbout & Jeannine Godbout	430 S.F.	-	20.00
	Land Court Cert. No. 96990 Book 485 Page 190			
	Mtg: Marquette Credit Union			
TE-49	Bellingham Housing Authority	910 S.F.	-	40.00
	Land Court Cert. No. 99031 Book 496 Page 31			

<u>Pcl. No.</u>	<u>Owners</u>	<u>Approximate Area Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
TE-50	Robert A. Patrick Mtg: Milford Federal Savings & Loan Association Mtg: Peter J. Mullen	80 S.F.	-	5.00
TE-51	Robert A. Patrick Mtg: Milford Federal Savings & Loan Association Mtg: Peter J. Mullen	430 S.F.	-	25.00
TE-52	Donald W. & Olga B. Bubble Mtg: Natick Federal Savings & Loan Association	120 S.F.	-	2.00
TE-53	Valerie C. Scanlon Mtg: Marquette Credit Union	420 S.F.	-	10.00
TE-54	Valerie C. Scanlon Mtg: Marquette Credit Union	790 S.F.	-	18.00
TE-55	Claire L. Chevalier	340 S.F.	-	8.00
TE-56	Daniel E. & Alice L. Pultz Mtg: Milford Savings Bank	140 S.F.	-	10.00
TE-57	Arthur R., Jr. & Lorette Aucoin	50 S.F.	-	2.00
TE-58	Kathryn E. Coffey Mtg: Norfolk County Trust Company	290 S.F.	-	25.00
TE-59	Gerald E. Cook Mtg: Everett Savings Bank	140 S.F.	-	9.00
TE-60	David, Jr. & Valentine Riquier	80 S.F.	-	2.00
TE-61	David, Jr. & Valentine Riquier	1,500 S.F.	-	35.00
		Totals	<u>\$3.84</u>	<u>\$7,701.00</u>

15,000

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

COUNTY COMMISSIONERS

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

At a meeting of the County Commissioners, held at Dedham, on Wednesday, the tenth day of February, 1982, 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 BELLINGHAM 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

GEORGE B. McDONALD

COUNTY COMMISSIONERS

A true Copy
Attest:

John P. Cousin
CLERK

Recorded Feb. 12, 1982 at 10h.44m. A.M.