

# 639

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 first day of May, 1985 by adjournment of their April meeting next preceding:

The petition of EDWARD A. BOREK and others of MEDWAY, 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 MEDWAY in said County, that common convenience and necessity require that the way known as VILLAGE STREET, a public way in said town, be relocated between Chicken Brook and a point about 450 feet westerly 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 September 24, 1984

Edward A. Borek  
Jeffrey Nutting  
Allan G. Osborne, Jr.  
Joseph P. Hoban  
Jeanne C. Pinkham

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This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, aforesaid, on the twenty-fourth day of October, 1984, by adjournment of their September meeting next preceding: a notice of said meeting having been posted as required by law: and the twenty-first day of November, 1984, and two-thirty o'clock in the afternoon at

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REFER TO PLAN NO. 479-1965 PL. BOOK 321

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 MEDWAY, 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-first day of November, 1984, 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 Town of MEDWAY 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 said way be relocated, as prayed for in said petition.

And thence the same was continued and adjourned from time to time to a meeting of the Commissioners held at Dedham on the twenty-seventh day of March, 1985, by adjournment of their December 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 twenty-fourth day of April, 1985 and two-thirty o'clock in the afternoon at their Administration Offices, 614 High Street 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 to this meeting.

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

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

The southerly line begins at a stone bound on the southerly line of Village Street as laid out by the Norfolk County Commissioners by return dated November 8, 1921, said bound being at the former northerly line of location of the N.Y.N.H. & H.R.R.; thence S-75°-36'-26"-E, 356.00 ft. to a stone bound; thence S-77°-55'-16"-E, 66.12 ft. to a point which is on the southerly line of Village Street as laid out by the Norfolk County Commissioners by return dated April 23, 1935, said bound being 52.56 ft. westerly of the easterly end of a 103.76 ft. radius curve.

And the said Commissioners do hereby take for the purposes of a highway all the easements and rights incident to a public highway in the lands included between the above described

line and the southerly line as laid out on November 8, 1921 and April 23, 1935 and shown as Parcels 1, 2 and 3 upon a plan entitled "Plan showing the Relocation and Widening of Village Street, Medway, between a point about 300 feet easterly of Norfolk Avenue and Chicken Brook, as made by the Norfolk County Commissioners by return dated May 1, 1985. 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, for the purpose of properly draining said way, easements and rights in Parcel D1 as indicated on said plan, being more fully described as follows:

Beginning at a point on the southerly line as above described, said point being 26.00 ft. westerly of the last point on said southerly line; thence S-10°-16'-26"-E, 19<sup>±</sup> ft. to a point on the westerly side of Chicken Brook; thence southeasterly by said westerly side of Chicken Brook 30<sup>±</sup> ft. to a point; thence N-10°-16'-26"-W, 48<sup>±</sup> ft. to a point on said southerly line; thence easterly by said southerly line 21.62 ft. to the point of beginning. Being shown as Parcel D1 on said plan.

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

And it is determined by the Commissioners that the Inhabitants of the Town of MEDWAY 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.

The travelled part of said way shall be constructed not less than twenty-eight (28) 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 MEDWAY, 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 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	Town of Medway	20,492 S.F.	-	None
2	Town of Medway	5,020 S.F.	-	None
3	Charles P. Norman Mtg: F. Russell Cole	2,618 S.F.	\$1.11	\$700.00
D1	Charles P. Norman Mtg: F. Russell Cole	660 S.F.	-	98.00
	Joseph C. and Mary G. Juliani	None	-	-
			<u>\$1.11</u>	<u>\$798.00</u>

And having heard the proprietors of lands and property,<sup>105</sup> 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 and fences from the lands so taken, at any time within one month 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 first day of May, 1985, by adjournment of their April 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 MEDWAY 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

DAVID C. AHEARN

COUNTY COMMISSIONERS

A True Copy,

Attest:

Nicholas Barbadoro Clerk