

653

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss. 59834

At a meeting of the County Commissioners for the County of Norfolk, held at Dedham, within and for said County, on the twenty-fourth day of July, 1991, by adjournment of their June meeting next preceding: a notice of said meeting having been posted as required by law:

The petition of FRANCIS J. TOLAND and others of BRAINTREE 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 BRAINTREE in said County, that common convenience and necessity require that the way known as HOWARD STREET, a public way in said town, be relocated at it's intersection with Shaw Street 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 February 4, 1991

Francis J. Toland
James J. Galvin
John A. Dennehy
Marjorie L. Crispin

RECORDED
INDEXED
TAYLOR DEEDS
8996 405
BARRY J. HANNOH, REGISTER

This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, aforesaid on the fifteenth day of May, 1991 by adjournment of their April meeting next preceding: a notice of said meeting having been posted as required by law: and the nineteenth day of June, 1991, and two-thirty o'clock in the afternoon at their Administration Offices, 614 High Street 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

REFER TO PLAN NO. 511 of 1991 PT. BOUND. 405

91 JUL 26 AM 9:06

REGISTERED ORDER

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 nineteenth day of June, 1991, the Commissioners, James J. Collins and Mary P. Collins, met at the time and place specified in said order, when and where the petitioners appeared, and the Town of BRAINTREE was represented by it's 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 this meeting.

And now the Commissioners, James J. Collins, Mary P. Collins and Bruce D. Olsen, by courses and distances, metes and bounds, do relocate a portion of said HOWARD STREET as prayed for in said petition.

And the lines of said relocation of said HOWARD STREET are as follows:

Beginning at a stone bound on the easterly line of Howard Street as laid out by the Norfolk County Commissioners by return dated September 4, 1951, said bound being 78.69 ft. northerly of

a stone bound on said easterly line opposite station 13+45.54 of the 1951 layout; thence northerly and northeasterly by a 294.56 ft. radius curve, 118.14 ft. to a stone bound; thence northeasterly, easterly and southeasterly by a 52.00 ft. radius curve, 88.53 ft. to a stone bound on said 1951 layout of Howard Street, said stone bound also being the last bound on the westerly line of Shaw Street as laid out by the Norfolk County Commissioners by return dated September 4, 1951.

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 easterly line as laid out on September 4, 1951 and shown as "Parcel 1, 742 S.F." upon a plan entitled "Plan Showing the Relocation and Widening of Howard Street, Braintree, at it's intersection with Shaw Street, as made by the Norfolk County Commissioners by return dated July 24, 1991. 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 further take temporary easements in "Parcel TE-1, 1378 S.F.", 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 location and the line 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 layout as above described 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 aforesaid.

And it is determined by the Commissioners that the Inhabitants of the Town of BRAINTREE 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- five (35) 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 BRAINTREE, and should the County be put to any legal expense or any other expense related 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>Owner</u>	<u>Approximate Tax Al-</u> <u>Area Taken lowance Award</u>
1	June P. Kenn and Barbara A. Lemieux Mtg: Weymouth Savings Bank	742 S.F. \$20.55 \$1900.00
TE-1	June P. Kenn and Barbara A. Lemieux Mtg: Weymouth Savings Bank	1378 S.F. ---- \$600.00
		<hr/> \$20.55 \$2500.00

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 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

Mary P. Collins

Bruce D. Olsen
COUNTY COMMISSIONERS

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

At a meeting of the County Commissioners, held at Dedham, on Wednesday, the twenty-fourth day of July, 1991 by adjournment of their June 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 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

Mary P. Collins

Bruce D. Olsen
COUNTY COMMISSIONERS

A true copy.

Attest [Signature]
Clerk

