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BK 16689PG001

Handwritten initials/signature

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 twenty-second (22nd) of May, 2002 by adjournment of their April meeting next preceding, a notice of said meeting have been posted as required by law:

The petition of Patrick J. Ahearn and others of WESTWOOD 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 WESTWOOD in said County, that common convenience and necessity require that a portion of EAST STREET (now called WESTWOOD TERRACE) as laid out by the Norfolk County Commissioners on May 13, 1924 and also by a Commonwealth of Massachusetts layout on behalf of the Town of Westwood on November 9, 1954 be discontinued as a highway between the northeasterly sideline of the Circumferential Highway (Route #128) as laid out on November 9, 1954 by the Commonwealth of Massachusetts and a point about 350 feet northeasterly.

WHEREFORE YOUR PETITIONERS PRAY that said discontinuance may be made within the limits above specified.

Dated October 4, 1999

Patrick J. Ahearn
Thomas J. Dunn
Anthony J. Antonellis
Thomas McCusker
Gunner Johnson

REFER TO PLAN NO. 298 D 2002
PLAN BOOK NO. 495-1 **RENTS**

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA
CERTIFY
Paul D. Harold
PAUL D. HAROLD, REGISTER

095121
02 JUN -3 AM 9:06

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This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, on the twenty-sixth (26th) day of January, 2000, by adjournment of their December meeting, next preceding, a notice of said meeting having been posted as required by law, and the fifteenth (15th) day of March, 2000 at four o'clock in the afternoon at their Administrative Offices, 614 High Street, Dedham was 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 WESTWOOD, being the town within which such discontinuance 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 NEPONSET VALLEY DAILY NEWS, a newspaper published in Needham, Mass., said postings and publication having been seven (7) 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 as if they saw fit.

And on the said fifteenth (15th) day of March, 2000, the Commissioners, William P. O'Donnell, John M. Gillis and Peter H. Collins, met at the time and place specified in said order, when and where the petitioners appeared and the Town of Westwood was represented by its Selectmen; and the Commissioners then viewed the premises, and heard all persons and corporations interested; and no party interested objected; and thereupon the Commissioners did adjudge in accordance with the authority vested in them by Massachusetts General Laws, c. 82, §§ 1 *et seq.*, that common convenience and necessity require that said way be discontinued 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, William P. O'Donnell, John M. Gillis, and Peter H. Collins, by courses and distances, metes and bounds, do hereby discontinue a portion of said EAST STREET (now called WESTWOOD TERRACE), as prayed for in said petition and as provided herein.

And the lines of said discontinuance of EAST STREET (now called WESTWOOD TERRACE) are as follows: beginning at a point marked by a stone bound S76°30'30"W a distance of 149.39 feet from another stone bound on the northerly line of East Street as laid out by the Norfolk County Commissioners by Return dated May 20, 1924, said bound being at an angle point on the northerly line of said 1924 County layout of East Street; thence S13°29'30"E a distance of 50.00 feet to a stone bound on the southerly line of the aforementioned May 20, 1924 County layout of East Street; thence S76°30'30"W along the said southerly line a distance of 298.19 feet to a point on the easterly line of the Circumferential Highway (Route #128) as laid out by the Commonwealth of Massachusetts on November 9, 1954; thence N33°11'39"W on the easterly line of the Circumferential Highway a distance of 53.11 feet to a point at the intersection of the northerly line of the aforementioned May 20, 1924 County layout of East Street; thence N76°30'30"E on the said northerly line a distance of 316.17 feet to the point of beginning. All as shown on a plan hereinafter referred to.

And it is determined and adjudged by the Commissioners that all lands within the lines above described are hereby discontinued as a highway as provided herein.

However, said discontinuance is specifically contingent upon the execution of a release and indemnification agreement (copies of which are attached hereto and incorporated herein) by the current owners of the lands abutting the lands being discontinued by this Order

BK 16689PG004

(specifically Parcels 1, 2, and 3 shown on a plan hereinafter referred to) and another interested party that releases and forever discharges the County Commissioners and the County of Norfolk from any and all debts, demands, claims, actions, causes of action, suits, damages, costs, loss of services, expenses (including attorneys' fees) and any other compensation of any kinds whatsoever and holds the County Commissioners and the County of Norfolk harmless from any loss, damage or expense arising out of any claim or demand by any current owner or any current owner's successor in interest against the County Commissioners or the County of Norfolk on account of, or directly or indirectly as a result of, the discontinuance of a portion of EAST STREET (now called WESTWOOD TERRACE), WESTWOOD, as set forth in this Order.

And the Commissioners do herewith retain, take and layout an easement for the benefit of, and on behalf of, the Town of Westwood and the Dedham/Westwood Water District over the entire discontinued area above described, for the purpose of constructing, maintaining and repairing any and all present or future municipal utilities, including sewer, water, drains, electricity, telephone, gas and all other types of utilities.

All of said lines and parcels are shown upon a plan entitled "Plan Showing the Discontinuance of a portion of EAST STREET (now called WESTWOOD TERRACE), WESTWOOD, between the northeasterly sideline of the Circumferential Highway (Route #128) as laid out on November 9, 1954 by the Commonwealth of Massachusetts and a point about 350 feet northwesterly as made by the Norfolk County Commissioners by Return dated May 22, 2002, Scale: 1 inch = 40 feet, Clayton T. Ryan, Jr., Asst. County Engineer/County Surveyor and signed by William P. O'Donnell, Chairman" which plan is filed herewith and made a part of this return.

And permanent stone bounds will be erected at the termini and angles of said discontinuance as indicated on said plan.

WILLIAM P. O'DONNELL

JOHN M. GILLIS

PETER H. COLLINS
COUNTY COMMISSIONERS

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss

At a meeting of the County Commissioners, held at Dedham on Wednesday, the twenty-second (22nd) day of May, 2002, 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 WESTWOOD, within which the limits of said highway described therein lies, so that the same may be recorded by said Clerk, within ten days, in the book of records kept in said town for that purpose.

WILLIAM P. O'DONNELL

JOHN M. GILLIS

PETER H. COLLINS
COUNTY COMMISSIONERS

A True Copy.

Attest: Brian Schock, not. Clk