

#270

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 September 1940 by adjournment of their June meeting next preceding:-

The petition of Henry R. Passey and others, of Wrentham for the relocation of CREEK STREET, WRENTHAM, 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 WRENTHAM in said County, that common convenience and necessity require that the way known as CREEK STREET, a public way in said town, be relocated between South Street and Franklin 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 January 3, 1940.

Henry R. Passey  
Warren R. Gilmore  
Raymond F. Hemenway  
David M. Weinstein  
Edbury R. Enegren  
Walter E. Duffy

\* \* \* \* \*

This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, aforesaid, on the twenty-third day of January, 1940, by adjournment of their December meeting next preceding: and the twenty-sixth day of March then next and two o'clock in the afternoon, at the Court House in said Dedham were 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 Wrentham being the town within which such relocation of

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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 FRANKLIN SENTINEL, 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 twenty-sixth day of March, the Commissioners, Frederick A. Leavitt, Edward W. Hunt, and Russell T.

Bates, met at the time and place specified in said order, when and where the petitioners appeared, and the town of Wrentham 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 said Commissioners held at Wrentham on the ninth day of April, 1940 when and where the Commissioners further heard the petitioners and owners of property to be taken or affected by said proceedings and thence the same 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 CREEK STREET as prayed for in said petition.

And the lines of said relocation of said CREEK STREET are as follows:-

The easterly line begins at a stone bound on the southerly side of Franklin Street as laid out by the Massachusetts Department of Public Works on June 14, 1927, said bound being N-74-13-40-E a distance of 185.52 ft. from a Massachusetts Highway

bound which designates the point of curve with a radii of 1472.00 ft; thence by a curve southwesterly with a radius of 60.00 ft. a distance of 100.58 ft. to a stone bound; thence by a line tangent to said curve S-21-49-20-E a distance of 488.90 ft. to a stone bound; thence by a curve to the right with a radius of 1660.00 ft. a distance of 596.91 ft. to a stone bound; thence S-1-10-13-E a distance of 119.90 ft. to a stone bound; thence by a curve to the right with a radius of 1860.00 ft. a distance of 483.88 ft. to a stone bound; thence S-13-41-10-W a distance of 301.00 ft. to a stone bound; thence by a curve to the left with a radius of 800.00 ft. a distance of 556.88 ft. to a stone bound; thence S-26-11-50-E a distance of 305.77 ft. to a stone bound; thence by a curve to the left with a radius of 1000.00 ft. a distance of 298.91 ft. to a stone bound; thence by a curve to the left with a radius of 550.00 ft. a distance of 393.96 ft. to a stone bound; thence S-84-21-50-E a distance of 247.99 ft. to a stone bound; thence by a curve to the right with a radius of 560.00 ft. a distance of 499.55 ft. to a stone bound; thence S-33-15-10-E a distance of 119.67 ft. to a stone bound; thence by a curve to the left with a radius of 400.00 ft. a distance of 187.56 ft. to a stone bound; thence S-60-07-10-E a distance of 675.00 ft. to a stone bound; thence continuing on the same course a distance of 551.44 ft. to a stone bound; thence by a curve to the left with a radius of 60.00 ft. a distance of 98.04 ft. to a stone bound which point is on the southwesterly side of South Street as laid out by the Massachusetts Department of Public Works on September 22, 1914; said point being N-26-15-30-E a distance of 69.56 ft. from the angle in the said southwesterly side of South Street.

The westerly line begins at a stone bound on the southerly side of Franklin Street as laid out by the Massachusetts Department of Public Works on May 13, 1930, being on a curve with a radius of 1472.00 ft. a distance of 65.01 ft. southwesterly from the Massachusetts Highway bound referred to in the description of the easterly line as above described; thence southeasterly

by a curve with a radius of 144.13 ft. a distance of 204.81 ft. to a stone bound; thence by a line tangent to said curve S-21-49-20-E a distance of 433.90 ft. to a stone bound; thence by a curve to the right with a radius of 1600.00 ft. a distance of 575.34 ft. to a stone bound; thence S-1-13-10-E a distance of 119.90 ft. to a stone bound; thence by a curve to the right with a radius of 1800.00 ft. a distance of 468.27 ft. to a stone bound; thence S-13-41-10-W a distance of 301.00 ft. to a stone bound; thence by a curve to the left with a radius of 860.00 ft. a distance of 598.64 ft. to a stone bound; thence S-26-11-50-E a distance of 305.77 ft. to a stone bound; thence by a curve to the left with a radius of 1060.00 ft. a distance of 316.85 ft. to a stone bound; thence by a curve to the left with a radius of 610.00 ft. a distance of 436.94 ft. to a stone bound; thence S-84-21-50-E a distance of 247.99 ft. to a stone bound; thence by a curve to the right with a radius of 500.00 ft. a distance of 446.03 ft. to a stone bound; thence S-33-15-10-E a distance of 119.67 ft. to a stone bound; thence by a curve to the left with a radius of 460.00 ft. a distance of 215.70 ft. to a stone bound; thence S-60-07-10-E a distance of 675.00 ft. to a stone bound; thence continuing on the same course a distance of 558.11 ft. to a stone bound; thence by a curve to the right with a radius of 60.00 ft. a distance of 92.99 ft. to a stone bound, which point is on the southwesterly side of South Street, as laid out by the Massachusetts Department of Public Works on September 22, 1914, being S-28-40-40-W a distance of 113.14 ft. from the angle in said southwesterly line of South Street as referred to in the easterly line as above described.

The easterly line heretofore described, in general, is 60.00 ft. easterly from and parallel to the westerly line and is shown on a plan entitled "Plan and Profile showing the Relocation and Widening of Creek St., Wrentham from Franklin St. to South St. as made by the Norfolk County Commissioners by Return dated Sept. 10, 1940. Horizontal scale 1 inch = 40 feet. Vertical

Scale 1 inch = 4 feet. Wallace S. Carson, County Engineer."  
and marked "Frederick A. Leavitt, Chairman." which plan is filed  
herewith and made a part of this Return.

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 within the lines of relocation hereinbefore described and as shown on the plan hereinbefore referred to and made a part hereof in accordance with Chapter 79 of the General Laws and all acts and amendments thereof and in addition thereto.

And any easements over the right of way of the N. Y. N. H. & H. R. R., Wrentham Branch, have been taken with the permission of said railroad by letter dated May 10, 1940 and signed by A. S. Tuttle, District Engineer.

And the said Commissioners do likewise further take all the easements in lands adjoining the location of said way as hereby established, consisting of the right to have the lands of said location protected by having the surface of the adjoining land slope from the lines of said location as indicated on said plan.

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

And it is determined by the Commissioners that the inhabitants of the town of Wrentham 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 twenty-four (24) feet in width.

Suitable sidewalks, gutters, culverts, retaining walls, fences and railing shall be constructed wherever, in the opinion of the County Commissioners, they are needed, provided however,

no trees more than one and one half inches in diameter one foot above the ground shall be removed in the course of work done under this paragraph until the County Commissioners have been given notice of the intention to remove such trees and their assent thereto in writing has been given to the Inhabitants of the town of Wrentham.

And it is determined by the Commissioners that all portions of the existing highway as laid out by the Commissioners by Return dated May 12, 1870, lying outside the lines herein established are hereby discontinued, but such discontinuance shall not take effect until a sufficient travelled way adjacent thereto within the new location has been completed and opened for use by the public.

And it is determined by the Commissioners that all the expenses of making the relocation of way as prescribed in this return and order including the expenses of constructing said way, and all land and other damages and expenses incident thereto, be paid by the Inhabitants of the town of Wrentham.

And the Commissioners have heard the proprietors of lands and property, rights and interests, 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; the same to be paid to said parties respectively by the Inhabitants of the town of Wrentham when the lands hereby taken and over which said way is hereby located, have been entered upon and possession taken, for the purpose of constructing the said way.

<u>Parcel Number</u>	<u>Owner</u>	<u>Approximate Sq.Ft. Taken</u>	<u>Award</u>
1.	George L. Martin	940	\$ 1.00
2.	Mary A. Bennett et al	14,250)	
3.	Mary A. Bennett et al	1,050)	25.00
4.	Willard H. Rowell	9,250	50.00
5.	Ada F. Stobbart	3,120	10.00
6.	Jarvis Hunt et ux	2,300	5.00
7.	Charles E. Riley Foxborough Savings Bank Cyril Israel	$\frac{1}{4}$ interest) $\frac{1}{4}$ interest) $\frac{1}{4}$ interest)	7,300 25.00
8.	Maud R. Graves	2,050	1.00
9.	Bessie W. Bartlett	500	1.00
10.	Raymond S. Martin et al	150	1.00
11.	Thomas M. Proctor et al	800	5.00
12.	Harriet R. Topham	700	20.00
13.	Thomas M. Proctor et al	1,650	10.00
14.	Thomas M. Proctor et al	1,230	10.00
15.	Edith S. Clark	900	40.00
16.	Thomas M. Proctor et al	3,900	50.00
17.	Fred E. Gilmore	1,400	40.00
18.	Florence A. Ware	500	10.00
19.	Mary J. Wheeler	1,000	15.00
20.	Fred E. Gilmore	2,300	20.00
21.	Deborah V. Dwyer, Land Court Cer- tificate #7091, Bk. 36, P.91	14,100	1.00
22.	Deborah V. Dwyer	1,100	1.00
23.	Edbury R. Enegren	860	1.00
24.	George W. Gilmore et al	700)	
25.	George W. Gilmore et al	6,800)	20.00
26.	George W. Gilmore et al	750)	
27.	Agnes Rivet et al, Frederick E. Bigelow, Tax Deed, Land Court Certificate #3326, Bk. 17, P.3326	1,410	5.00
28.	Herbert L. Metcalfe	410	5.00
29.	Arthur Stanley, Land Court Cer- tificate #3432, Bk. 18, P.3432	1,270	25.00
30.	N. Y. N. H. & H. R. R.	5,100	---
TOTAL			\$397.00

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 two months from the date on which the work ordered by this return is begun.

FREDERICK A. LEAVITT

EDWARD W. HUNT

RUSSELL T. BATES

COUNTY COMMISSIONERS

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

At a meeting of the County Commissioners, held at Dedham, on Tuesday, the tenth day of September, 1940, by adjournment of their June meeting next preceding:

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 Wrentham within the limits of which 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.

FREDERICK A. LEAVITT

EDWARD W. HUNT

RUSSELL T. BATES

COUNTY COMMISSIONERS

A true copy,

ATTEST: *R. B. Huntington* CLERK

Rec'd & entered for record Oct. 7, 1940 at 3h. 34m. P.M.