

#271

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 nineteenth day of November, 1940, by adjournment of their September meeting next preceding:-

The petition of HENRY D. HIGGINS and others of BRAINTREE for the relocation of LIBERTY STREET, 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 LIBERTY STREET, a public way in said town, be relocated between Plain Street and Grove 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 April 18, 1940.

Henry D. Higgins
Henry H. Storm
Albert E. Roberts
Philip J. Sullivan
John J. Drinkwater

Richard A. Hunt
Ernest C. Woodsum
John Q. Wentworth
Charles E. Bishop
Edward J. Rose

* * * * *

This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, aforesaid, on the thirtieth day of April, 1940 by adjournment of their April meeting next preceding: and the twenty-eighth day of May then next at 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 Braintree, being the town within which such relocation of way was prayed for, fifteen days at least before the time appointed for

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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 BRAINTREE OBSERVER, 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-eighth day of May 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 Braintree 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 Braintree on eighteenth day of June, 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 LIBERTY STREET as prayed for in said petition.

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

The westerly line begins at a stone bound on the northerly side of Grove Street as laid out by the Massachusetts Department of Public Works on September 3, 1929 under the Provisions of Special Acts of 1929, Chapter 364, being southeasterly a distance of 90.83 ft. on a curve with a radius of 800.00 ft. from

a stone bound which point is at the point of curve of said layout; thence easterly by a curve with a radius of 61.94 ft. a distance of 124.75 ft. to a stone bound; thence by a curve to the left with a radius of 1000.00 ft. a distance of 150.10 ft. to a stone bound; thence N-2-33-E a distance of 204.10 ft. to a stone bound; thence by a curve to the right with a radius of 1260.00 ft. a distance of 113.38 ft. to a stone bound; thence N-7-42-20-E a distance of 533.50 ft. to a stone bound; thence by a curve to the right with a radius of 1060.00 ft. a distance of 303.56 ft. to a stone bound; thence N-24-06-50-E a distance of 721.50 ft. to a stone bound; thence by a curve to the left with a radius of 600.00 ft. a distance of 499.08 ft. to a stone bound; thence N-23-32-40-W a distance of 416.40 ft. to a stone bound; thence by a curve to the right with a radius of 1060.00 ft. a distance of 350.89 ft. to a stone bound; thence N-4-34-40-W a distance of 274.03 ft. to a stone bound; thence by a curve to the left with a radius of 60.00 ft. a distance of 101.71 ft. to a stone bound which is on the southerly line of Plain Street; thence N-39-14-E a distance of 63.48 ft. to a stone bound on the northerly line of Plain Street; thence northeasterly by a curve with a radius of 50.00 ft. a distance of 73.78 ft. to a stone bound.

The easterly line begins at a bolt which is on the northerly side of Grove Street as laid out by the Massachusetts Department of Public Works on September 3, 1929 under the Provisions of Special Acts of 1929, Chapter 364, being a distance of 165.17 ft. on a curve with a radius of 800.00 ft. from the point of beginning of the westerly line as above described; thence northerly by a curve with a radius of 10.60 ft. a distance of 15.89 ft. to a bolt; thence N-20-41-40-E a distance of 88.88 ft. to a stone bound; thence N-2-33-E a distance of 376.04 ft. to a stone bound; thence by a curve to the right with a radius of 1200.00 ft. a distance of 107.98 ft. to a stone bound; thence N-7-42-20-E a distance of 533.50 ft. to a stone bound; thence by a curve to the right with a radius of 1000.00 ft. a distance of 286.38 ft. to a stone bound; thence N-24-06-50-E a distance of 721.50 ft. to a stone bound; thence by a curve to the left with a radius of 660.00 ft. a distance of 548.99 ft. to a stone bound; thence N-23-32-40-W a distance of 416.40 ft. to a stone bound; thence by a curve to the right with a radius of 1000.00 ft. a distance of 331.03 ft. to a stone bound; thence N-4-34-40-W a distance of 431.19 ft. to a stone bound which point is N-83-45-00-E a distance of 40.00 ft.

from the last bound in the westerly 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 Liberty St., Braintree between Grove St. and Plain St. as made by the Norfolk County Commissioners by Return dated Nov. 19, 1940. Horizontal Scale: 1 inch = 40 feet. Vertical Scale: 1 inch = 8 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 hereof and in addition thereto.

And any easements over the right of way of the N. Y. N. H. & H. R. R., have been taken with the permission of said railroad by letter dated June 27, 1940 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 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 twenty-four (24) feet in width.

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

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 Braintree.

And it is determined by the Commissioners that all portions of the existing highway lying outside the lines herein established are hereby discontinued except that section lying between stations 17 +50 and 25+50, 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 Braintree.

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 Braintree 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>Name</u>	<u>Approximate Sq. Ft. Taken</u>	<u>Award</u>
1.	J. Frederick Price et ux	23,600	\$ 75.00
2.	N. Y. N. H. & H. R. R.	8,230	1.00
3.	Robert Horte	1,400)	
4.	Robert Horte	13,000)	20.00
5.	James A. Jensen et ux, Ld. Ct. Cert. #23478, Bk. 118, P. 78	25,650	1.00
6.	Mabel C. McTaggart	6,000	1.00

9.	Lydia J. Gray et al	6,300	15.00
10.	Carl G. Simons et ux	11,300	20.00
11.	Edna A. MacDuff, Trustee (Town of Braintree Tax Deed)	3,900	1.00
12.	Town of Braintree	8,500	1.00
13.	Albion K. Miller et al	18,200	25.00
14.	Elmer O. Chace et al	600	1.00
		TOTAL	\$ 162.00

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 nineteenth day of November, 1940, by adjournment of their September 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 Braintree 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: Willard Everett Clerk, CLERK

We, Waldo C. Hodgdon, Andrew Y. Hodgdon and Howard W. Hodgdon, Administrators of the Estate of Anna F. Hodgdon, late of Dedham, Norfolk County, Massachusetts, as we are the owners and holders of a mortgage from Frederick J. Harris and Lottie A. Harris to said Anna F. Hodgdon dated May 3, 1939, recorded with Norfolk Deeds Book 2232, Page 406, acknowledge satisfaction of the same.

WITNESS our hands and seals this fifth day of November, A. D. 1940.

Waldo C. Hodgdon
Andrew Y. Hodgdon
Howard W. Hodgdon
Administrators
as
aforesaid

COMMONWEALTH OF MASSACHUSETTS

Suffolk ss. Boston, November 5, A.D. 1940

Then personally appeared the above named Waldo C. Hodgdon and acknowledged the foregoing instrument to be his free act and deed, before me

Melchor C. Sherman
Notary Public

My commission expires September 27, 1946

Rec'd & entered for record Dec. 18, 1940 at 12h. 40m. P.M.

I, WILLIAM B. CROSBY,

of Milton, Norfolk County, Massachusetts,

~~being concerned~~ for consideration paid, grant to EDWIN I. OFGANT and FRANCES C. OFGANT, husband and wife, as tenants by the entirety, both

of Milton, Norfolk County, Massachusetts, with quitclaim covenants

the land in Milton, Norfolk County, Massachusetts, with the buildings thereon, being the premises shown as Lot 7 on "Plan of Land Situated on Reedsdale Road and Canton Avenue, Milton, Massachusetts," dated July 7, 1938, made by John H. Bowie, C. E., recorded with Norfolk Deeds, Book 2198, Page 3, bounded and described as follows:

- EASTERLY by Canton Avenue, seventy-five (75) feet;
- SOUTHERLY by Lot 6 as shown on said plan, one hundred twenty (120) feet;
- WESTERLY by Lot 10 as shown on said plan, seventy-five (75) feet; and