

#280

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 eighth day of July, 1941, by adjournment of their June meeting next preceding:-

The petition of HENRY D. HIGGINS and others, of BRAINTREE for the relocation of Liberty Street at the corner of Grove 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 at the corner of 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 May 15th, 1941.

Henry D. Higgins
Henry H. Storm
Albert E. Roberts
Richard A. Hunt
John Q. Wentworth

* * * * *

This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, aforesaid, on the twentieth day of May, 1941, by adjournment of their April meeting next preceding: and the tenth day of June then next and two-thirty o'clock in the afternoon, at the Court House in said Dedham were appointed 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 said view: and also caused copies of an abstract of said petition and of said order of notice

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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 tenth day of June, 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 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 easterly 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 a distance of 107.48 ft. on a curve with a radius of 800.00 ft. from a bolt which is the point of beginning of the easterly line of Liberty Street, as laid out by the Norfolk County Commissioners by Return dated November 19, 1940; thence northerly by a curve with a radius of 107.02 ft. a distance of 141.15 ft. to a stone bound; thence N-2-33-E a distance of 27.62 ft. to the angle in the easterly line of Liberty Street, as laid out by the Norfolk County

Commissioners by Return dated November 19, 1940.

Said lines are shown upon a plan entitled "Plan showing the Relocation and Widening of Liberty St., at Grove St., Braintree, as made by the Norfolk County Commissioners by Return dated July 8, 1941. Scale 1 inch = 20 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 the said Commissioners do hereby make such taking with the permission of the Mount Hope Cemetery Association by letter dated June 16, 1941 and signed by Frank E. Loud, President and John Q. Torrey, Treasurer, which letter is filed with said Commissioners.

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.

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, 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 Braintree.

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 expense 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>Owner</u>	<u>Approximate Sq.Ft.</u>	<u>Award</u>
1.	Mount Hope Cemetery Association	2,830	\$ 400.00
2.	John C. Carr	5	---

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 eighth day of July, 1941 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 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: *R. B. Worthington* CLERK

Rec'd & entered for record July 25, 1941 at 9h.27m.A.M.