

#294

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 ninth day of June, 1942, by adjournment of their April Meeting next preceding:-

The petition of HENRY D. HIGGINS 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 ELM STREET, a public way in said town, be relocated between Commercial Street and Adams Street for the purpose of making alterations in the course or width of said way.

Wherefore your petitioners pray that said way may be relocated as prayed for in said petition.

Dated Jan. 27, 1942.

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

\* \* \* \* \*

This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, aforesaid, on the twenty-seventh day of January, 1942, by adjournment of their December meeting next preceding: and the seventeenth day of February then next, and two-thirty 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 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.

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And on the said seventeenth day of February, 1942, the Commissioners, Frederick A. Leavitt, Russell T. Bates, and Alice P. Kendall (acting in place of Edward W. Hunt who was out of the Commonwealth) 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 the seventeenth day of March, 1942, 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 Commissioners, Frederick A. Leavitt, Edward W. Hunt, and Russell T. Bates, by courses and distances, metes and bounds, do relocate said Elm Street as prayed for in said petition.

And the lines of said relocation of said Elm Street are as follows:-

The northerly line begins at a stone bound on the southerly line of the present Elm Street as laid out by the Norfolk County Commissioners by Return dated December 31, 1884; thence southerly by a curve with a radius of 35.48 ft. a distance of 93.21 ft. to a stone bound; thence easterly by a curve with a radius of 1050.00 ft. a distance of 398.82 ft. to a stone bound; thence N-67-00-10-E a distance of 122.30 ft. to a stone bound; thence by a curve to the left with a radius of 30.00 ft. a distance of 78.96 ft. to a stone bound, which bound is on the present southerly line of Elm Street as laid out by the Norfolk County Commissioners by Return dated December 31, 1884; thence N-6-11-30-E a distance of 40.00 ft. to a stone bound, which bound is on the northerly line of said Elm Street; thence S-83-48-30-E a distance of 134.92 ft. to a stone bound; thence by a curve to the left with a radius of 156.00 ft. a distance of 107.53 ft. to a stone bound; thence N-56-41-50-E a distance of 240.38 ft. to a bolt; thence by a curve to the left with a radius of 19.94 ft. a distance

of 33.26 ft. to a stone bound, which bound is on the westerly line of Elmlawn Road; thence N-54-43-50-E a distance of 40.08 ft. to a stone bound, which bound is on the easterly line of Elmlawn Road; thence southeasterly by a curve with a radius of 30.02 ft. a distance of 41.49 ft. to a stone bound; thence easterly by a curve with a radius of 900.00 ft. a distance of 115.08 ft. to a stone bound; thence by a curve to the left with a radius of 14.90 ft. a distance of 26.79 ft. to a stone bound, which bound is on the westerly line of Burroughs Road; thence N-73-46-E a distance of 41.94 ft. to a stone bound, which bound is on the easterly line of Burroughs Road; thence southeasterly by a curve with a radius of 20.00 ft. a distance of 26.73 ft. to a stone bound; thence N-69-40-30-E a distance of 156.61 ft. to a stone bound; thence by a curve to the left with a radius of 15.00 ft. a distance of 25.16 ft. to a stone bound, which bound is on the westerly line of Bower Road; thence N-65-39-30-E a distance of 40.03 ft. to a stone bound, which bound is on the easterly line of Bower Road; thence southeasterly by a curve with a radius of 21.71 ft. a distance of 31.78 ft. to a stone bound; thence easterly by a curve with a radius of 1650.00 ft. a distance of 298.54 ft. to a stone bound; thence N-59-18-30-E a distance of 358.77 ft. to a stone bound; thence by a curve to the right with a radius of 2050.00 ft. a distance of 286.23 ft. to a stone bound; thence by a curve to the left with a radius of 40.00 ft. a distance of 87.46 ft. to a stone bound, which bound is on the westerly line of Commercial Street.

The southerly line begins at a stone bound on the northeasterly line of Adams Street as laid out by the Norfolk County Commissioners by Return dated May 20, 1924; said bound being S-16-18-10-W a distance of 67.23 ft, southerly by a curve with a radius of 50.00 ft. a distance of 90.71 ft. and S-87-38-30-E a distance of 90.00 ft. from the first bound in the northerly line as above described; thence northerly by a curve with a radius of 35.55 ft. a distance of 82.79 ft. to a stone bound; thence easterly by a curve with a radius of 1000.00 ft. a distance of 370.30 ft. to a stone bound; thence N-67-00-10-E a distance of 289.29 ft. to a stone bound; thence by a curve to the left with a radius of 547.09 ft. a distance of 98.40 ft. to a stone bound; thence N-56-41-50-E a distance of 168.30 ft. to a stone bound; thence by a curve to the right with a radius of 20.00 ft. a dis-

tance of 37.18 ft. to a stone bound; which bound is on the westerly line of Drinkwater Avenue; thence N-52-20-40-E a distance of 51.37 ft. to a stone bound, which bound is on the easterly line of Drinkwater Avenue; thence northerly by a curve with a radius of 30.00 ft. a distance of 39.30 ft. to a stone bound; thence easterly by a curve with a radius of 850.00 ft. a distance of 169.33 ft. to a stone bound; thence N-69-40-30-E a distance of 302.35 ft. to a stone bound; thence by a curve to the left with a radius of 1700.00 ft. a distance of 307.59 ft. to a stone bound; thence N-59-18-30-E a distance of 358.77 ft. to a stone bound; thence by a curve to the right with a radius of 2000.00 ft. a distance of 353.04 ft. to a stone bound; thence by a curve to the right with a radius of 61.93 ft. a distance of 64.27 ft. to a stone bound, which bound is on the westerly line of Commercial Street, said bound being S-57-58-30-E a distance of 63.45 ft, S-56-20-40-E a distance of 50.33 ft., and S-51-06-50-E a distance of 60.47 ft. from the last bound in the northerly line as above described.

The southerly line heretofore described, in general, is 50.00 ft. southerly from and parallel to the northerly line all as shown upon a plan entitled "Plan and Profile showing the Relocation and Widening of a portion of Elm Street, Braintree between Adams Street and Commercial Street as made by the Norfolk County Commissioners by Return dated June 9, 1942. 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 thereof and in addition thereto.

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 it is determined by the Commissioners that all portions of the existing highway lying outside the lines herein established are hereby discontinued, except that portion of Elm Street as laid out by the Norfolk County Commissioners by Return dated December 31, 1884 from Station 0 + 0 to Station 8 + 50.

And permanent stone bounds will be erected at the termini and angles of said 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 thirty-two (32) 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, 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 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 estimated 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.Taken</u>	<u>Award</u>
1.	Millard F. Drinkwater et al	47,600	\$ 100.00
2.	Arthur J. Thornton et ux	90	10.00
3.	Wentworth W. Burns et ux	100	10.00
4.	Earle T. Wentworth	25	2.00
5.	Sven S. Nelson et ux	15	2.00
6.	Lewis C. Nelson	50	5.00
7.	Wesley E. Webster et ux	1,750	100.00
8.	Fore River Railroad Corporation	3,200	1.00
9.	Mary A. Morrison	5,175	200.00
10.	Ralph P. Chadbourne et ux	1,000	15.00
11.	Thomas Alexander et ux	2,080	100.00
12.	William A. Benson et ux, Ld.Ct. Cert. #27946, Bk. 140, P.146	375	25.00
13.	Thomas A. Delaney et ux, Ld.Ct.Cert.#25143, Bk.126, P. 143	889	50.00
14.	Herbert A. Holder et ux	1,900	100.00
15.	Edward C. and Grace G. Lewis	290	20.00
16.	Ellen V. Frezza	1,500	30.00
17.	Thersa Stepat	1,530	125.00
18.	Priscilla H. Wright	780	80.00
19.	William H. Clifford et ux	600	60.00
20.	Perley W. Walker et ux	410	40.00
21.	Charles H. Daly et ux	270	25.00
22.	Edna F. Watts, Trustee	1,110	110.00
TOTAL			\$ 1210.00

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 ninth day of June, 1942, by adjournment of their April 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

Rec'd & entered for record June 29, 1942 at 3h.26m.P.M.

Quincy Savings Bank, a corporation duly established under the laws of Massachusetts and having its usual place of business at Quincy, Norfolk County, Massachusetts, for consideration paid, grants to Joseph A. DiMartinis and Antonette M. DiMartinis, husband and wife, as tenants by the entirety, both of said Quincy, with quitclaim covenants the land in a certain parcel of land, with buildings thereon, situated in said Quincy, being lot "B" on a plan entitled "Plan of Land in Quincy, Mass., Subdivided November 20, 1924", Ernest W. Branch, C. E., recorded with Norfolk Deeds, as plan 1149 of 1925, and bounded and described as follows: