

#316

OK
2/10

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 October, 1945, by adjournment of their September meeting next preceding:-

The petition of GORHAM DANA and others of BROOKLINE 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 BROOKLINE in said County, that common convenience and necessity require that the way known as NEWTON STREET, a public way in said town, be relocated between Clyde Street and the Boston-Brookline Line as shown on a Preliminary Plan, dated April 17, 1945, submitted herewith for the purpose of making alterations in the course or width of said way between Clyde Street and Goddard Avenue and establishing the boundary lines of said way between Goddard Avenue and the Boston-Brookline line.

Wherefore your petitioners pray that said way may be relocated within the limits above specified.

Dated April 30, 1945.

Brookline Planning Board, by	Gorham Dana, Chairman
Walter A. Devine	Town Engineer
Daniel G. Lacy	Superintendent of Streets
William J. Hickey, Jr.	Chairman, Board of Selectmen
Daniel Tyler, Jr.	Selectman
Eugene C. Carver, Jr.	Selectman
Robert S. Weeks	Selectman
Charles A. Leavitt	Selectman

* * * * *

This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, aforesaid, on the eighth day of May, 1945, by adjournment of their April Meeting next preceding: and the twenty-ninth day of May 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

RECEIVED
CITY OF BOSTON
MAY 31 1945
P. 350

→

thereon, to be served upon the Clerk of the Town of BROOKLINE, 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 order of notice to be posted in two public places in said town: and to be published in the CHRONICLE, 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-ninth day of May, 1945, the Commissioners, Russell T. Bates, Edward W. Hunt and Hartley L. White (acting in place of Frederick A. Leavitt of Brookline, who was disqualified by reason of residence) met at the time and place specified in said order, when and where the petitioners appeared, and the town of BROOKLINE was represented by its Selectmen; and the said Commissioners then viewed the route and premises, and heard all persons and corporations interested; and said hearing was then continued and adjourned to a meeting of said Commissioners held at Dedham aforesaid, on the tenth day of July by adjournment of their June meeting next preceding, when and where the said Commissioners proceeded to consider and adjudicate upon the prayer of said petition, and thereupon the said Commissioners did adjudge that common convenience and necessity require that the way be relocated as prayed for in said petition.

And upon the adjudication aforesaid, the said Commissioners appointed the seventh day of August, 1945 and four o'clock in the afternoon, at the Municipal Court House in Brookline as the time and place when and where they would proceed to and take such action in relation to said adjudication as by law they might be authorized to do.

And having given notice of such adjudication, and of the time and place appointed, and for the purpose aforesaid in the same manner as the notice and publication were given and made before first proceeding to view, the said Commissioners met at the time and place appointed and then and there heard all persons and corporations interested, and said hearing was thence adjourned and continued from time to time to this meeting.

And now the said Commissioners, by courses and distances, metes and bounds, do relocate said NEWTON STREET as prayed for in said petition.

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

The northerly line begins at a stone bound which is on the easterly end of Clyde Street as laid out by the town of Brookline on December 10, 1928; thence N-78-04-20-E a distance of 357.63 ft. to a stone bound which is on the westerly line of Goddard Avenue as laid out by the town of Brookline on January 28, 1873; thence S-82-26-20-E a distance of 248.39 ft. to a stone bound which is on the easterly line of Goddard Avenue as laid out by the town of Brookline on January 28, 1873; thence southeasterly by a curve with a radius of 56.08 ft. a distance of 55.68 ft. to a stone bound; thence S-71-45-10-E a distance of 222.74 ft. to a stone bound; thence by a curve to the right with a radius of 3060.00 ft. a distance of 137.97 ft. to a stone bound; thence S-69-10-10-E a distance of 219.41 ft. to a stone bound; thence by a curve to the left with a radius of 2000.00 ft. a distance of 206.24 ft. to a stone bound; thence S-75-04-40-E a distance of 475.59 ft. to a stone bound; thence by a curve to the left with a radius of 600.00 ft. a distance of 160.16 ft. to a stone bound which is on the line between the town of Brookline and the city of Boston.

The southerly line begins at a stone bound which is on the easterly end of Newton Street ad laid out by the town of Brookline on March 23, 1931, said bound being S-11-55-40-E a distance of 60.00 ft. from the first bound on the northerly line as above described; thence N-78-04-20-E a distance of 112.86 ft. to a stone bound; thence by a curve to the right with a radius of 1000.00 ft. a distance of 526.65 ft. to a stone bound; thence S-71-45-10-E a distance of 192.60 ft. to a stone bound; thence by a curve to the right with a radius of 3000.00 ft. a distance of 135.26 ft. to a stone bound; thence S-69-10-10-E a distance of 219.41 ft. to a stone bound; thence by a curve to the left with a radius of 2060.00 ft. a distance of 212.43 ft. to a stone bound; thence S-75-04-40-E a distance of 540.74 ft. to a stone bound; thence by a curve to the right with a radius of 40.00 ft. a distance of 71.37 ft. to a stone bound which is on the westerly line of Mt. Walley Avenue; thence S-62-50-40-E a distance of 29.39 ft. to a stone bound which is on the easterly line of Mt. Walley Avenue and on the line between the town of Brookline and the city of Boston, said bound being S-24-27-30-W a distance of 91.31 ft. and S-27-25-30-W a distance of 47.00 ft. from the last bound on the northerly line as above described.

The southerly line heretofore described, in general, is 60.00 ft. southerly from and parallel to the northerly line.

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 the grade thereof is established, all as shown upon a plan entitled "Plan and Profile showing the Relocation and Widening of a Portion of Newton Street, Brookline from Clyde Street to the Brookline-

Boston Line as made by the Norfolk County Commissioners by Return dated October 9, 1945. Horizontal Scale: 1 inch = 40 feet. Vertical Scale: 1 inch = 8 feet. Wallace S. Carson, County Engineer." and marked "Russell T. Bates, Acting Chairman" which plan is filed herewith and made a part of this Return, in accordance with the provisions of 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 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 all portions of the existing highway lying outside the lines herein established are hereby discontinued.

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 BROOKLINE.

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 BROOKLINE 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.	Isabel Anderson	8,750	\$ 875.00
2.	Catholic Foreign Mission Society of America, Inc.	340	34.00
3.	Catholic Foreign Mission Society of America, Inc.	1,280	128.00
4.	Addison L. Gardner, Jr.	12,750	1275.00
TOTAL			\$ 2312.00

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.

RUSSELL T. BATES
EDWARD W. HUNT
HARTLEY L. WHITE
 COUNTY COMMISSIONERS

COMMONWEALTH OF MASSACHUSETTS

2565

NORFOLK, SS.

317

At a meeting of the County Commissioners, held at Dedham, on Tuesday, the ninth day of October, 1945; 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 be transmitted to the Clerk of the town of BROOKLINE 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.

RUSSELL T. BATES

EDWARD J. HUNT

HARTLEY L. WHITE

COUNTY COMMISSIONERS

A true copy,

ATTEST: *Willa Everett* CLERK

Rec'd & entered for record Oct. 25, 1945 at 12h.03m.P.M.

Know all Men by these Presents

that the Dean Co-operative Bank, of Franklin, Norfolk County, Massachusetts, holder of a mortgage from Benjamin Garside and Mary Garside, husband and wife, to said Dean Co-operative Bank on property located Wrantham, Mass. dated August 14, 1928 recorded with Norfolk Deeds, book 1809, page 404, hereby acknowledges satisfaction of the same.

In witness whereof the said Dean Co-operative Bank has caused its corporate seal to be hereunto affixed, and these presents to be signed in its name and behalf by its Treasurer this 25th day of October 19 45.

DEAN CO-OPERATIVE BANK,

By *Alton W. Ridley* Treasurer.



Commonwealth of Massachusetts

Norfolk, ss.

October 25, 1945

Then personally appeared the above named Alton W. Ridley Treasurer and acknowledged the