

#320

Witness hand and seal this 6th day of June 1936

Joseph V. Fasanelli
Charles Chakristos

Harry D. Lockhart

2636
77

Commonwealth of Massachusetts

Suffolk ss. June 6th 1936

Then personally appeared the above named Harry D. Lockhart and acknowledged the foregoing instrument to be his free act and deed, before me.

Justice of the Peace
Louis B. [Signature]

Rec'd & entered for record Sept. 27, 1946 at 3h. 33m. P.M.

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 third day of September, 1946, by adjournment of their June 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 LIBERTY STREET, a public way in said town, be relocated between Plain Street and Middle Street, in an easterly direction for the purpose of improving and widening.

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

Dated November 13, 1945

Henry D. Higgins
Henry H. Storm
John W. Mahar
Jonathan W. French
Marjorie H. Bickford

See Plans 882, 883 + 884 of 1946 Pa. Bk. 139
Certificate Vol. 2639 P. 342

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 November, 1945, by adjournment of their September meeting next preceding: and the eighth day of January, 1946 and three-thirty o'clock in the afternoon at the Town Hall in Braintree were appointed by said 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, fif-

teen 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.

And on the eighth day of January, 1946, 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 upon the adjudication aforesaid, the said Commissioners appointed the sixth day of August, 1946 and four o'clock in the afternoon, at the Town Hall in Braintree as the time and place when 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 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 which is on the southerly line of Plain Street and on the westerly line of Liberty Street as laid out by the Norfolk County Commissioners by Return dated November 19, 1940; thence N-8-23-50-E a distance of 42.59 ft. to a stone bound which is on the northerly line of Plain Street; thence easterly by a curve with a radius of 66.09 ft. a distance of 95.59 ft. to a stone bound; thence by a curve to the right with a radius of 860.00 ft. a distance of 345.14 ft. to a stone bound; thence N-18-25-00-E a distance of 108.99 ft. to a stone bound; thence by a curve to the left with a radius of 800.00 ft. a distance of 276.77 ft. to a stone bound; thence N-1-24-20-W a distance of 112.88 ft. to a stone bound; thence by a curve to the left with a radius of 800.00 ft. a distance of 183.53 ft. to a stone bound; thence N-14-33-00-W a distance of 113.08 ft. to a stone bound; thence by a curve to the right with a radius of 760.00 ft. a distance of 230.03 ft. to a stone bound; thence N-2-47-30-E a distance of 209.05 ft. to a stone bound; thence by a curve to the left with a radius of 100.00 ft. a distance of 175.78 ft. to a stone bound which is on the southerly line of Pearl Street as laid out by the Town of Braintree on March 13, 1916; thence N-16-56-50-E a distance of 54.82 ft. to a stone bound which

is on the northerly line of Pearl Street; thence N-83-22-00-E a distance of 241.49 ft; thence N-43-58-20-E a distance of 57.20 ft. to a stone bound; thence continuing on the same course a distance of 184.39 ft. to a stone bound.

The easterly line begins at a stone bound which is the last described bound on the easterly line of Liberty Street as laid out by the Norfolk County Commissioners by Return dated November 19, 1940; thence N-4-34-40-W a distance of 9.46 ft. to a stone bound; thence by a curve to the right with a radius of 800.00 ft. a distance of 321.06 ft. to a stone bound; thence N-18-25-00-E a distance of 108.99 ft. to a stone bound; thence by a curve to the left with a radius of 860.00 ft. a distance of 297.53 ft. to a stone bound; thence N-1-24-20-W a distance of 112.88 ft. to a stone bound; thence by a curve to the left with a radius of 860.00 ft. a distance of 197.30 ft. to a stone bound; thence N-14-33-00-W a distance of 113.08 ft. to a stone bound; thence by a curve to the right with a radius of 700.00 ft. a distance of 211.87 ft. to a stone bound; thence by a curve to the right with a radius of 600.00 ft. a distance of 431.24 ft. to a stone bound; thence N-43-58-20-E a distance of 195.70 ft. to a stone bound which is S-46-01-40-E a distance of 60.00 ft. from the last bound on 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 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 Liberty Street, Braintree from Plain Street to Middle Street as made by the Norfolk County Commissioners by Return dated September 3, 1946. Horizontal Scale: 1 inch = 40 feet. Vertical Scale: 1 inch = 8 feet. Wallace S. Carson, County Engineer" and signed by "Frederick A. Leavitt, 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 the Inhabitants of the town of BRAINTREE, do within five 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 (30) 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 con-

structing 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>	Approximate <u>Sq. Ft. Taken</u>	<u>Award</u>
1.	Wallace B. Strathdee	3430	\$ 50.00
2.	Lillian H. Wentworth	490	1.00
3.	Wallace B. Strathdee et al	3450	5.00
4.	Bert C. Johnson et ux	30	1.00
5.	Wallace B. Strathdee et al	750	5.00
6.	George R. Osborn et ux Mtg: South Shore Cooperative Bank	1150	25.00
7.	George R. Osborn	130	3.00
8.	Heirs of Barbara Lehosky Mtg: Braintree Cooperative Bank	5	1.00
9.	Archie T. Morrison et ux Mtg: South Shore Cooperative Bank	1100	1.00
10.	Wallace B. Strathdee et al	9100	100.00
11.	Richard W. Scholz et ux Mtg: Weymouth Savings Bank Mtg: Irma Nason	270	30.00

<u>Parcel Number</u>	<u>Owner</u>	Approximate <u>Sq. Ft. Taken</u>	<u>Award</u>
12.	Richard W. Scholz	130	1.00
13.	Josephine R. Pingree Mtg: Stephen Mealey	640	5.00
14.	Esther A. E. McNaughton Mtg: Braintree Cooperative Bank	1110	50.00
15.	Mary Nicholson et al Mtg: Braintree Savings Bank	1440	75.00
16.	Josephine R. Pingree Mtg: Stephen Mealey	20300	100.00

17.	Heirs of Julius Lehocky	970	5.00
18.	Colmon Racz	540	10.00
	Mtg: Braintree Savings Bank		
19.	Stephen Racz	470	10.00
20.	Florence V. and Hazel W. Strathdee	5050	150.00
	Mtg: South Shore Cooperative Bank		
21.	Florence V. and Hazel W. Strathdee	5120	25.00
	Mtg: South Shore Cooperative Bank		
22.	Emma Ohlson	3150	150.00
	TOTAL		\$ 803.00

2636

83

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 three 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 third day of September, 1946, 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: Willard B. Smith CLERK

Rec'd & entered for record Sept. 27, 1946 at 3h. 48m. P.M.