

#325

2004  
301

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 twenty-eighth day of January, 1947, by adjournment of their December meeting next preceding:-

The petition of Daniel Tyler, Jr., and other 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 South Street and Grove Street for the purpose of establishing the boundary lines of said way and making alterations in the course or width of said way.

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

Dated December 16, 1946

Daniel Tyler, Jr.  
Eugene P. Carver, Jr.  
Edward Dane  
Reuben L. Lurie  
Arthur A. O'Shea

Daniel G. Rollins,  
Witness to all  
Walter A. Devine  
Orin M. Moulton

\* \* \* \* \*

This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, aforesaid on the twenty-fourth day of December, 1946, by adjournment of their September meeting next preceding; and the fourteenth day of January, 1947, and three o'clock in the afternoon at the Court House in said Dedham 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 Brookline, being the town within which such relocation of way was prayed for, fifteen days at least before the

Call U.S. 2670 P 303.  
FD 140 PA Nov 13 1946-1947

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 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 fourteenth day of January, 1947, Russell T. Bates, County Commissioner, Allen Lawson (acting in place of Edward W. Hunt who was disqualified by reason of illness) and A. Clinton Kellogg, (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 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 Commissioners, Russell T. Bates, Edward W. Hunt and A. Clinton Kellogg, 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 Newton Street as laid out by the Town of Brookline on April 1, 1929; thence S-81-14-E a distance of 213.83 ft. to a stone bound; thence by a curve to the right with a radius of 2030.00 ft. a distance of 433.82 ft. to a stone bound; thence S-68-59-20-E a distance of 120.46 ft. to a stone bound; thence by a curve to the left with a radius of 568.33 ft. a distance of 395.89 ft. to a stone bound; thence N-71-06-E a distance of 427.17 ft. to a stone bound; thence by a curve to the left with a radius of 470.00 ft. a distance of 164.57 ft. to a stone bound.

The southerly line begins at a stone bound which is on the easterly end of Newton Street as laid out by the town of Brookline on April 1, 1929, said bound being S-8-46-W a distance of 60.00 ft. from the first bound on the northerly line as above described; thence S-81-14-E a distance of 213.83 ft. to a stone bound; thence by a curve to the right with a radius of 1970.00 ft. a distance of 421.00 ft. to a stone bound; thence S-68-59-20-E a distance of 120.46 ft. to a stone bound; thence by a curve to the left with a radius of 628.33 ft. a distance of 437.68 ft. to a stone bound; thence N-71-06-E a distance of 208.61 ft. to a stone bound which is on the westerly line of Grove Street as laid out by the Town of Brookline on April 4, 1938; thence continuing on the same course a distance of 218.56 ft; thence by a curve to the left with a radius of 530.00 ft. a distance of 185.58 ft. to a stone bound which is on the easterly line of Grove Street as laid out by the Town of Brookline on April 4, 1938, said bound being S-38-57-45-E a distance of 60.00 ft. from the last bound on the northerly line as above described.

The lines hereinbefore described are the same as were established by the Selectmen of the Town of Brookline on

January 19, 1931, accepted at a meeting of the town of Brookline on March 17, 1931 and Order of Taking made by the Selectmen on March 23, 1931.

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 South Street to Grove Street as made by the Norfolk County Commissioners by Return dated January 28, 1947. Horizontal Scale: 1 inch = 40 feet. Vertical Scale: 1 inch = 8 feet. Wallace S. Carson, County Engineer." and signed by "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.

The travelled part of said way shall be constructed not less than thirty-eight (38) 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 Brookline.

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 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 located, have been entered upon and possession taken, for the purpose of constructing the said way.

<u>Parcel Number</u>	<u>Owner</u>	<u>Sq.Ft. Taken</u>	<u>Award</u>
1.	Town of Brookline (Highway Easement)	3500	No award
2.	Town of Brookline (Highway Easement)	2800	No award
3.	Town of Brookline (Highway Easement)	63	No award
4.	Town of Brookline (Highway Easement)	620	No award
5.	Town of Brookline (Highway Easement)	12650	No award
6.	Town of Brookline (Highway Easement)	1750	No award

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.

RUSSELL T. BATES

EDWARD W. HUNT

A. CLINTON KELLOGG

COUNTY COMMISSIONERS

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

At a meeting of the County Commissioners, held at Dedham, on Tuesday, the twenty-eighth day of January, 1947, by adjournment of their December 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 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 W. HUNT

A. CLINTON KELLOGG

COUNTY COMMISSIONERS

A true copy

ATTES: William Bennett CLERK

Rec'd & entered for record Feb. 20, 1947 at 2h. 34m. P.M.