

#339

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 thirtieth day of December, 1947 by adjournment of their September meeting next preceding:-

The petition of WALTER A. DEVINE 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 represents your petitioners, inhabitants of the town of BROOKLINE in said County, that common convenience and necessity require that the way known as GROVE STREET, a public way in said town, be relocated between South Street and Newton 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 May 1, 1947

Walter A. Devine
Elizabeth J. Goldsmith
Grace F. Leavitt
Daniel G. Lacy
William J. Hickey, Jr.
Daniel Tyler, Jr.
Eugene P. Carver, Jr.
Reuben L. Lurie
Edward Dane

140 Shaw Rd, Brookline
168 Tappan Street, Brookline
166 Tappan St., Brookline
Town Hall, Brookline

68 Amory St., Brookline
15 Buckminster Rd, Brookline
59 Windsor Road, Brookline
69 Randolph Road, Brookline

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, 1947, by adjournment of their April meeting next preceding: and the first day of July, 1947 and three-thirty 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 time appointed

Plan nos. 60 to 62 incl. of 1948 P.L. R.R. 144
Certificate Vol. 2737 P. 275

Entry

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 first day of July, 1947, Russell T. Bates, County Commissioner, A. Clinton Kellogg (acting in place of Frederick A. Leavitt of Brookline, who was disqualified by reason of residence) and Ralph D. Pettingell (acting in place of Edward W. Hunt who was disqualified by reason of illness) 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 said Commissioners, by courses and distances, metes and bounds, do relocate said GROVE STREET as prayed for in said petition.

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

The northerly line begins at a stone bound which is on the easterly line of South Street as laid out by the Town of Brookline on December 16, 1926; thence N-41-06-20-E a distance of 47.31 ft. to a stone bound which is on the westerly line of the West Roxbury Parkway as laid out by the Commonwealth of

Massachusetts, Metropolitan District Commission on October 2, 1941.

Then beginning again at a stone bound which is on the easterly line of the West Roxbury Parkway as laid out by the Commonwealth of Massachusetts, Metropolitan District Commission on October 2, 1941; thence N-41-06-20-E a distance of 618.70 ft. to a stone bound; thence by a curve to the right with a radius of 632.50 ft. a distance of 250.02 ft. to a stone bound; thence E-63-45-15-E a distance of 161.48 ft. to a stone bound; thence by a curve to the left with a radius of 587.50 ft. a distance of 424.29 ft. to a stone bound; thence N-20-55-E a distance of 214.03 ft. to a stone bound; thence by a curve to the left with a radius of 50.00 ft. a distance of 55.32 ft. to a stone bound; thence by a curve to the left with a radius of 83.33 ft. a distance of 96.80 ft. to a stone bound which is on the southerly line of Newton Street as laid out by the Norfolk County Commissioners by Return dated January 23, 1947.

The southerly line begins at a stone bound which is on the easterly line of South Street as laid out by the Norfolk County Commissioners by Return dated February 23, 1926; said bound being S-3-22-30-E a distance of 130.35 ft. from the first bound on the northerly line as above described; thence northeasterly by a curve with a radius of 240.00 ft. a distance of 114.21 ft. to a stone bound; thence N-41-06-20-E a distance of 30.70 ft. to a stone bound which is on the westerly line of the West Roxbury Parkway as laid out by the Commonwealth of Massachusetts, Metropolitan District Commission on October 2, 1941, said bound being S-48-53-40-E a distance of 65.00 ft. from the second bound on the northerly line as above described.

Then beginning again at a stone bound which is on the easterly line of the West Roxbury Parkway as laid out by the Commonwealth of Massachusetts, Metropolitan District Commission on October 2, 1941; said bound being S-48-53-40-E a distance of 25.00 ft. and S-41-06-20-W a distance of 0.75 ft. and

S-48-53-40-E a distance of 40.00 ft. from the third bound on the northerly line as above described; thence N-41-06-20-E a distance of 619.46 ft. to a stone bound; thence by a curve to the right with a radius of 567.50 ft. a distance of 224.33 ft. to a stone bound; thence N-63-45-15-E a distance of 260.68 ft. to a stone bound; thence by a curve to the right with a radius of 100.00 ft. a distance of 104.66 ft. to a stone bound which is on the westerly line of Allandale Road as laid out by the Norfolk County Commissioners by Return dated February 14, 1882; thence N-68-17-30-E a distance of 60.72 ft. to a stone bound which is on the easterly line of Allandale Road as laid out by the Norfolk County Commissioners by Return dated February 14, 1882; thence northeasterly by a curve with a radius of 50.00 ft. a distance of 67.36 ft. to a stone bound; thence N-20-55-E a distance of 402.09 ft. to a stone bound; thence by a curve to the right with a radius of 693.11 ft. a distance of 364.38 ft. to a stone bound; thence N-51-02-18-E a distance of 20.00 ft. to a stone bound which is on the southerly line of Newton Street as laid out by the Norfolk County Commissioners by Return dated January 28, 1947, said bound being N-71-06-E a distance of 218.56 ft. and by a curve with a radius of 530.00 ft. a distance of 185.58 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 31, 1938, accepted at a meeting of the Town of Brookline on March 22, 1938 and Order of Taking made by the Selectmen on April 4, 1938.

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 Grove Street,

Brookline from South Street to Newton Street as made by the Norfolk County Commissioners by Return dated December 30, 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.

The southerly line heretofore described, in general, is 65.00 feet southerly from and parallel to the northerly line.

And the said Commissioners do likewise further taken 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 forty-nine (49) 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>Approximate Sq.Ft. Taken</u>	<u>Award</u>
1.	Town of Brookline (Highway Easement)	950	No award
2.	Town of Brookline (Highway Easement)	21,919	No award
3.	Town of Brookline (Highway Easement)	3,513	No award
4.	Town of Brookline (Highway Easement)	9,704	No award
5.	Town of Brookline (Highway Easement)	175	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

A. CLINTON KELLOGG

RALPH D. PETTINGELL

COUNTY COMMISSIONERS

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

At a meeting of the County Commissioners, held at Dedham, on Tuesday, the thirtieth day of December, 1947 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 thereof be transmitted to the Clerk of the Town of BROOKLINE within the limits of which said highway described therein lines, 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

A CLINTON KELLOGG

RALPH D. PETTINGELL

COUNTY COMMISSIONERS

A true copy.

ATTEST: *William R. Smith* CLERK

Rec'd & entered for record Jan. 23, 1948 at 10h.22m.A.M.

We, Gertrude I. Moreau and Herbert E. Kunde, the holders of a mortgage by
 Ida E. Kunde to us
 dated February 14, 1946
 recorded with Norfolk Deeds, Book 2585 Page 408
 for consideration paid, release to said Ida E. Kunde
 all interest acquired under said mortgage in the following described portions of the mortgaged premises
 Being the land in Norfolk, Norfolk County, Massachusetts shown on a
 Plan dated December 22, 1947 by Kenneth E. McIntyre, Engineer, to be
 recorded herewith and bounded and described according to said plan
 as follows:
 Southwesterly by Medway Street, 100 feet;
 Northwesterly by land now or formerly of Ida E. Kunde, 100 feet;
 Northeasterly by land now or formerly of said Kunde, 100 feet; and
 Southeasterly by land now or formerly of said Kunde, 100 feet.
 Containing 10,000 square feet.