

3184

520

#394

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 June, 1953 by adjournment of their June meeting next preceding:-

The petition of the BOARD OF SELECTMEN of the Town of STOUGHTON in said County represents as follows:-

Commonwealth of Massachusetts

Norfolk, ss.

To the Honorable the County Commissioners of the County of Norfolk:

Under the provisions of Chapter 160, Section 104 of the General Laws, as amended, the Board of Selectmen of the Town of STOUGHTON deem that public necessity and convenience require that SIMPSON STREET (now a private way) be laid out as a public way across the tracks, at grade, of the Boston and Providence Railroad (New York, New Haven and Hartford Railroad, Lessee) Stoughton Branch and herewith respectfully petition your Board to lay out said way in accordance with the above mentioned statute.

William J. O'Brien
Arthur H. Dykeman, Jr.
Ralph E. Lehan
Russell P. Hayden
Charles E. Sheehan

BOARD OF SELECTMEN OF
THE TOWN OF STOUGHTON

Dated
April 22, 1952.

* * * * *

This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, aforesaid, on the sixth day of May, 1952, by adjournment of their April meeting next preceding; and the third day of June then next and two-thirty o'clock in the afternoon at the Court House, in 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 STOUGHTON, being the town within which such layout of crossing was prayed for, fifteen days; and upon the New York, New Haven and Hartford Railroad; and Charles W. Mulcahy, Trustee of the Boston and Providence Railroad Corporation fourteen 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 Stoughton-News-Sentinel, a newspaper published

Refer to Plan No. 959-1953 O.L. Book 179.

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 third day of June, 1952, the Commissioners, Frederick A. Leavitt and Clayton W. Nash, met at the time and place specified in said order, when and where the petitioners appeared and the Selectmen of the Town of Stoughton were represented by Donald Blatt, Town Manager; and the New York, New Haven and Hartford Railroad Company was represented by George Elliott, District Engineer; and the said Commissioners heard all persons and corporations interested; and no party interested objected; and thereupon the said Commissioners, having examined the premises and having heard all parties interested, did adjudge that public convenience and necessity require the laying out of said Simpson Street as a public way across the tracks of the Boston and Providence Railroad (The New York, New Haven and Hartford Railroad Co) at grade, as prayed for in said petition.

And thence the same was continued and adjourned from time to time to a meeting of the Commissioners held on the seventh day of April, 1953, at which time the said Commissioners issued a partial decree adjudicating that public convenience and necessity required the laying out of said Simpson Street as a public way across the tracks of the Boston and Providence Railroad (The New York, New Haven and Hartford Railroad Company) at grade, as prayed for in said petition.

And on the seventeenth day of April, 1953, the County Commissioners requested the Department of Public Utilities to give their consent, in writing, to lay out this crossing as a public way, at grade, in accordance with the provisions of G. L. Chapter 160, Section 104.

And on the twentieth day of May, 1953, the Department of Public Utilities gave their consent, in writing, to the construction of a public way in the town of Stoughton, known as Simpson Street, across the tracks of the Boston and Providence Railroad (New York, New Haven and Hartford Railroad Company) at a level therewith in accordance with the petition of the County Commissioners; provided however, that their consent is conditional upon and shall not become effective until flashing light signals have been installed and are in operation in a

3184

5 2 1

manner approved by the Department of Public Utilities.

And now the Commissioners, in accordance with the provisions of G. L. Chapter 160, Section 104, by courses and distances, metes and bounds, do lay out said Simpson Street as a public way, as prayed for in said petition.

And the lines of said location of said Simpson Street are as follows:-

The westerly line of Simpson Street begins at a stone bound which is on the southerly line of location of the New York, New Haven and Hartford Railroad; thence N-20-43-30-E a distance of 82.76 ft. to a stone bound which is on the northerly line of location of the New York, New Haven and Hartford Railroad.

The easterly line begins at a stone bound which is on the southerly line of location of the New York, New Haven and Hartford Railroad, said bound being S-64-42-50-E a distance of 40.13 ft. from the first bound on the westerly line as above described; thence N-20-43-30-E a distance of 82.76 ft. to a stone bound which is on the northerly line of location of the New York, New Haven and Hartford Railroad, said bound being S-64-42-50-E a distance of 40.13 ft. from the last bound on the westerly line as above described.

The easterly line heretofore described, in general, is forty (40) feet easterly from and parallel to the westerly line.

And the said Commissioners do hereby take for the purpose of a highway all the easements and rights incident to a public highway in the lands included within the lines of location hereinbefore described and the grade thereof is established, all as shown upon a plan entitled "Plan and Profile of Simpson Street, Staughton, Laid out as a Public Way across Boston and Providence Railroad Corp. (The N. Y. N. H. & H. R. R. Co.) as made by the Norfolk County Commissioners by Return dated June 30, 1953, Horizontal Scale: 1 inch = 10 feet. Vertical Scale: 1 inch = 4 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 permanent stone bounds will be erected at the termini and angles of said way located as aforesaid.

And the Commissioners determine that proper measures shall be taken for the protection of the public which will meet with the approval of the Department of Public Utilities.

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 benefit, 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.

<u>Parcel Number</u>	<u>Owner</u>	<u>Approximate Sq.Ft. Taken</u>	<u>Award</u>
1.	Boston and Providence Railroad Corp. (The N. Y. N. H. & H. R. R. Co.)	3310	\$ 1.00

FREDERICK A. LEAVITT

RUSSELL T. BATES

CLAYTON W. NASH

COUNTY COMMISSIONERS

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

At a meeting of the County Commissioners, held at Dedham, on Tuesday, the thirtieth day of June, 1953, by adjournment of their June meeting next preceding:-

ORDERED, that the foregoing Return be filed, accepted and recorded, and that an attested copy thereof be transmitted to the Clerk of the Town of STOUGHTON, the Department of Public Utilities and to the Boston and Providence Railroad Corp (The New York New Haven and Hartford Railroad Co)

FREDERICK A. LEAVITT

RUSSELL T. BATES

CLAYTON W. NASH

COUNTY COMMISSIONERS

A true copy,

ATTEST: William A. Keel CLERK

Rec'd & entered for record July 14, 1953 at 4h.P.M.

3184

523