

#396

This mortgage is upon the statutory condition,

for any breach of which the mortgages shall have the statutory power of sale

instrument of said mortgages

release of the mortgages and rights of ~~tenancy by the entirety~~ ~~joint tenancy~~ ~~and other interests in the mortgaged~~ ~~premises~~

Witness our hand and seal this 2nd day of July 19 53

Mary P. Conlon
Margaret Conlon

The Commonwealth of Massachusetts

Suffolk: SS. July 2, 19 53

Then personally appeared the above named Mary P. Conlon

and acknowledged the foregoing instrument to be her free act and deed, before me,

Notary Public

My commission expires Oct 30 19 53

Rec'd & entered for record July 2, 1953 at 3h.22m.P.M.

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

The petition of JOHN Q. WENTWORTH 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 Wildwood Avenue and Division Street for the purpose of relocation and widening.

Wherefore your petitioners pray that said way may be re-located within the limits above specified.

Dated September 18, 1951.

John Q. Wentworth Mitchell W. Gawlowicz
A. Winton Caird Albert E. Roberts
Joseph M. Magaldi Herbert B. Hollis
Ralph M. Soule Raymond P. Palmer

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, 1951, by adjournment

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of their September meeting next preceding and the eleventh day of December, 1951, and two-thirty o'clock in the afternoon at the Court House in Dedham were appointed by the 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, fifteen 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 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 said eleventh day of December, 1951, the Commissioners, Frederick A. Leavitt, Russell T. Bates and Clayton W. Nash, 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 thence the same was continued and adjourned from time to time to a meeting of said Commissioners held at Dedham on the seventh day of April, 1953, when and where upon the adjudication aforesaid, the Commissioners appointed the twenty-sixth day of May, 1953 and two-thirty 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.

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

The westerly line begins at the town bound between the towns of Braintree and Holbrook; thence N-36-30-20-W a distance of 43.66 ft. to a stone bound which is on the northerly line of Division Street; thence easterly by a curve with a radius of 40.00 ft. a distance of 67.35 ft. to a stone bound; thence by a curve to the left with a radius of 1000.00 ft. a distance of 97.93 ft. to a stone bound; thence N-12-05-50-W a distance of 292.78 ft. to a stone bound; thence by a curve to the right with a radius of 660.00 ft. a distance of 535.26 ft. to a stone bound; thence by a curve to the right with a radius of 3260.00 ft. a distance of 307.09 ft. to a stone bound; thence N-39-46-E a distance of 447.57 ft. to a stone bound; thence by a curve to the left with a radius of 800.00 ft. a distance of 415.54 ft. to a stone bound; thence N-10-00-20-E a distance of 82.50 ft. to a stone bound; thence N-16-43-30-W a distance of 120.22 ft. to a stone bound; thence by a curve to the right with a radius of 80.00 ft. a distance of 64.79 ft. to a stone bound; thence N-29-40-40-E a distance of 172.16 ft. to a stone bound; thence N-10-00-20-E a distance of 208.87 ft. to a stone bound; thence by a curve to the right with a radius of 460.00 ft. a distance of 79.62 ft. to a stone bound; thence N-19-55-20-E a distance of 168.77 ft. to a stone bound which is on the westerly line of Liberty Street as laid out by the Norfolk County Commissioners by Return dated May 10, 1949.

The easterly line begins at a stone bound which is on the Holbrook-Braintree Town Line, said bound being N-89-45-E a distance of 81.24 ft. from the first bound on the westerly line as above described; thence northerly by a curve with a radius of 435.06 ft. a distance of 32.04 ft. to a stone bound; thence by a curve to the left with a radius of 1060.00 ft. a distance of 158.18 ft. to a stone bound; thence N-12-05-50-W a distance of 292.78 ft. to a stone bound; thence by a curve to the right with a radius of 600.00 ft. a distance of 486.60 ft. to a stone bound; thence by a curve to the right with a radius of 3200.00 ft. a distance of 301.44 ft. to a stone bound; thence N-39-46-E a distance

of 447.57 ft. to a stone bound; thence by a curve to the left with a radius of 860.00 ft. a distance of 446.71 ft. to a stone bound; thence N-10-00-20-E a distance of 623.77 ft. to a stone bound; thence by a curve to the right with a radius of 400.00 ft. a distance of 102.59 ft. to a stone bound which is on the easterly line of Liberty Street as laid out by the Norfolk County Commissioners by Return dated May 10, 1949, said bound being S-4-27-30-E a distance of 148.72 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 fee 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 the Holbrook Town Line to Liberty Park Avenue as made by the Norfolk County Commissioners by Return dated June 9, 1953. 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 with the exception of those portions between Stations 66 + 0 and 68 + 50; Stations 74 + 0 and 76 + 0; Stations 80 + 0 and 83 + 0; Stations 87 + 50 and 91 + 0; which discontinuance shall not take effect until a sufficient travelled way adjacent thereto within the new location has been completed and opened for use by the public.

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 expense of making the relocation of way 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 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 said way.

<u>Parcel Number</u>	<u>Owner</u>	<u>Approximate Sq. Ft. Taken</u>	<u>Award</u>
1.	Henry C. Lake Ld. Ct. Cert. #3539, Bk. 18, P. 3539	276	5.00
2.	Henry C. Lake Ld. Ct. Cert. #3539, Bk. 18, P. 3539	550	5.00

3.	Harold E. Norris et ux Mtg: Braintree Cooperative Bank	350	10.00
4.	Clement W. Barrio Mtg: Holbrook Cooperative Bank	440	15.00
5.	Gertrude E. White Mtg: Braintree Savings Bank	120	1.00
6.	James W. Wright et ux Mtg: Holbrook Cooperative Bank	10450	50.00
7.	John A. Ross Mtg: Holbrook Cooperative Bank	160	1.00
8.	Ruth H. Stewart	4990	1.00
9.	Mary E. Hollinshead Mtg: Weymouth Savings Bank	8150	100.00
10.	Clarence S. Davis Mtg: Holbrook Cooperative Bank	7200	100.00
11.	Thomas Johnson, Jr. et ux Mtg: Quincy Cooperative Bank	50	1.00

<u>Parcel Number</u>	<u>Owner</u>	<u>Approximate Sq. Ft. Taken</u>	<u>Award</u>
12.	Willard A. R. MacDonald et ux Mtg: Quincy Cooperative Bank	1600	25.00
13.	Kenneth S. MacDonald et ux	900	15.00
14.	Henry W. Venuti	4080	100.00
15.	Alden L. Smith et ux	230	30.00
16.	Grace Fasano	5630	100.00
17.	Leslie G. Lewis et ux Mtg: Weymouth Savings Bank Ld. Ct. Cert. #40336, Bk. 202. P. 136	13450	5500.00
18.	Prosperity Development Corpora- tion	680	1.00
19.	Prosperity Development Corpora- tion	11900	1.00
20.	Prosperity Development Corpora	9360	1.00
21.	W. W. Lincoln Realty Co., Inc.	2480	1.00
22.	Joseph P. Mooney et ux Mtg: Samuel J. Scott, et ux	1180	150.00
23.	Donald O. Burling et ux Mtg: Telephone Workers Cooperative Bank	1230	150.00
24.	Clayton F. Gardner et ux	1370	40.00
25.	Daniel J. Hoffman et ux Mtg: Norfolk County Trust Co.	1600	4300.00
26.	Helen C. Phelps	3100	150.00

TOTAL 10,853.00

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 entry is made or possession taken for the purpose of constructing said way.

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 ninth day of June, 1953, by adjournment of their April 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 which the limits of 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

RUSSELL T. BATES

CLAYTON W. NASH

COUNTY COMMISSIONERS

A true copy,

ATTEST: *William Kellogg* CLERK

Rec'd & entered for record July 2, 1953 at 3h.30m.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 ninth day of June, 1953, by adjournment of their April meeting next preceding:-

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