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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 seventh day of August, 1956, by adjournment of their June meeting next preceding:-

The petition of EDWARD DANE 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 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 Clyde Street and Grove Street for the purpose of establishing the boundary lines of said way; making alterations in the course or width of said way; and making repairs on said way.

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

Dated November 14, 1955.

Edward Dane  
Eugene P. Carver, Jr.  
George V. Brown, Jr.  
Alan R. Morse  
Matthew Brown  
Board of Selectmen

This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, aforesaid on the third day of April, 1956, by adjournment of their December meeting next preceding: and the twenty-fourth day of April, 1956, and two-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 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.

See Vol. 35538:229.

Refer to Plan No. 1126 of 1127-1956 Ch. Book 202.

And on the said twenty-fourth day of April, 1956, the Commissioners, Russell T. Bates and Clayton W. Nash and Ainslie K. Payne of Randolph (acting in place of Everett M. Bowker 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 said Commissioners 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 westerly line begins at a stone bound which is on the westerly line of Newton Street as laid out by the Norfolk County Commissioners by Return dated January 28, 1947; thence easterly by a curve with a radius of 470.00 ft. a distance of 164.57 ft. to a stone bound; thence continuing on the same curve a distance of 212.38 ft. to a stone bound; thence N-25-07-30-E a distance of 355.91 ft. to a stone bound; thence by a curve to the right with a radius of 500.00 ft. a distance of 354.23 ft. to a stone bound; thence N-65-43-E a distance of 349.23 ft. to a stone bound; thence by a curve to the right with a radius of 879.22 ft. a distance of 91.35 ft. to a stone bound; thence continuing on the same curve a distance of 97.19 ft. to a point; thence N-78-00-10-E a distance of 142.10 ft. to a stone bound which is on the northerly line of Newton Street as laid out by the Norfolk County Commissioners by Return dated October 9, 1945.

The easterly line begins at a stone bound which is on the easterly line of Grove Street as laid out by the Norfolk County Commissioners by Return dated December 30, 1947, said bound being S-18-55-20-E a distance of 60.00 ft. and S-16-57-40-W a distance of 224.39 ft. from the first bound on the westerly line as above described; thence northeasterly by a curve with a radius of 544.76 ft. a distance of 286.17 ft. to a stone bound;

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thence N-51-00-55-E a distance of 94.57 ft. to a stone bound; thence by a curve to the left with a radius of 550.00 ft. a distance of 248.53 ft. to a stone bound; thence N-25-07-30-E a distance of 355.91 ft. to a stone bound; thence by a curve to the right with a radius of 420.00 ft. a distance of 297.55 ft. to a stone bound; thence N-65-43-E a distance of 349.23 ft. to a stone bound; thence by a curve to the right with a radius of 799.22 ft. a distance of 171.77 ft. to a stone bound; thence by a curve to the left with a radius of 673.68 ft. a distance of 133.88 ft. to a stone bound; thence by a curve to the right with a radius of 342.90 ft. a distance of 68.39 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 October 9, 1945, said bound being S-56-35-50-E a distance of 84.37 ft. from the last bound on the westerly line as above described.

The easterly line heretofore described, in general, is 80.00 feet 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 hereby established

all as shown upon a plan entitled "Plan and Profile showing the Relocation and Widening of a portion of Newton Street, Brookline between Grove Street and Clyde Street as made by the Norfolk County Commissioners by Return dated August 7, 1956. Horizontal Scale: 1 inch = 40 feet. Vertical Scale: 1 inch = 8 feet. Wallace S. Carson, County Engineer." and signed by "Russell T. Bates, 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 BROOKLINE, 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 forty-eight (48) 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 expense of making the relocation of way prescribed in this Return and Order, including the expenses 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 hereby located, have been entered upon and possession taken, for the purpose of constructing the said way.

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<u>Pcl. No.</u>	<u>Owner</u>	<u>Approximate Sq.Ft. Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
1.	Martina L. Lawrence	6000 Slope easement	7.46	400.00
2.	Martina L. Lawrence Mary B. S. Brandegge, Life Estate	2700 Slope easement	3.36	200.00
3.	Mary B. S. Brandegge	23900 Slope easement	36.31	2000.00
4.	A. J. Housman, Trustee Mtg: Brookline Trust Company	1650 Slope easement	6.31	500.00
5.	The Country Club	Slope easement	-	1.00
		Total		\$ 3101.00

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.

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RUSSELL T. BATES

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CLAYTON W. NASH

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AINSLIE K. PAYNE

COUNTY COMMISSIONERS

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

At a meeting of the County Commissioners, held at Dedham, on Tuesday, the seventh day of August, 1956, 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 BROOKLINE 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