

# 436

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The Commonwealth of Massachusetts

Norfolk SS.

April 26, 19 57

Then personally appeared the above named George C. Johnson and Albertina E. Johnson and acknowledged the foregoing instrument to be their free act and deed, before me,

*James G. Collins*  
Notary Public

My commission expires Feb. 14, 1958

Recorded Apr. 26, 1957 at 3h. 54m. 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 sixteenth day of April, 1957:-

The petition of the BOARD OF SELECTMEN of the Town 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 the Selectmen of the Town of Braintree that a public way in the town of Braintree, county of Norfolk, crosses the tracks of the Boston to Braintree line of the New York, New Haven and Hartford Railroad by an overhead bridge on Washington Street, and that said Selectmen deem it necessary for the security and convenience of the public that an alteration, which does not involve the abolition of a crossing at grade, should be made in said crossing, the approaches thereto, the location of said railroad or way or in the bridge at said crossing.

Wherefore, said Selectmen pray that your Honorable Board, after public notice, will hear all parties interested, and if you decide that such an alteration is necessary, will prescribe the manner and limits within which it shall be made.

Dated at Braintree this sixth day of August, 1956.

HERBERT B. HOLLIS }  
HARRISON T. SMILEY } Selectmen of  
FRED A. TENNEY } the Town of  
Braintree

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This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, aforesaid, on the twenty-eighth day of August, 1956 by adjournment of their June meeting next preceding: and the eighteenth day of September then next and three o'clock in the afternoon at the Court House in said 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

Refer to Specimen No. 458-459-1957 & L. Guide 204

served upon the Clerk of the Town of BRAINTREE, being the town within which such alteration of crossing was prayed for, fifteen days; and upon the New York, New Haven and Hartford Railroad Company fourteen days at least before the time appointed for

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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 BRAINTREE 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 eighteenth day of September, 1956 the Commissioners, Russell T. Bates, Clayton W. Nash and Everett M. Bowker, met at the time and place specified in said order, when and where the petitioners appeared and the Selectmen of the Town of BRAINTREE were represented by Town Counsel; and the New York New Haven and Hartford Railroad was represented by their Engineer, Mr. Bussing; and the said Commissioners heard all persons and corporations interested; and no party interested objected; and thence the same was continued and adjourned from time to time to this meeting.

And now the said Commissioners, in accordance with the provisions of General Laws, Chapter 159, Sections 59 and 60, do decide that said crossing be altered as prayed for in said petition, and do prescribe the manner and limits within which such alteration shall be made.

And now the said Commissioners do take for the alteration of said crossing that portion of the New York, New Haven and Hartford Railroad location bounded and described as follows:

Beginning at a point on the easterly line of the Taking by the Commonwealth of Massachusetts, dated October 23, 1956 at approximately Station 507 + 46.20; thence N-53-36-23-E a distance of 57.12 ft. to a stone bound which is on the easterly line of said railroad location; thence N-26-23-37-W a distance of 311.16 ft. to a stone bound which is on the easterly line of said railroad location; thence S-53-36-23-W a distance of 57.12 ft. to a stone bound which is on the easterly line

of the Taking by the Commonwealth of Massachusetts, dated October 23, 1956; thence S-26-23-37-E a distance of 311.16 ft. to the point of beginning; said line being on the easterly line of the Taking by the Commonwealth of Massachusetts dated October 23, 1956.

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 hereinbefore described and the grade thereof is established, all as shown upon a plan entitled "Plan and Profile Showing Alterations on Washington Street, Braintree at the crossing of the New York, New Haven and Hartford Railroad Company as made by the Norfolk County Commissioners by Decision dated April 16, 1957. Scales as noted. Wallace S. Carson, County Engineer." and signed by "Russell T. Bates, Chairman" which plan is filed herewith and made a part of this Decision 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 altered as aforesaid

And the roadways shall be constructed to the widths and grades, including curbing, in accordance with the plan filed herewith.

And the Commissioners further 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 said 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

<u>Parcel Number</u>	<u>Owner</u>	<u>Approximate Sq. Ft. Taken</u>	<u>Award</u>
1.	The New York, New Haven and Hartford Railroad Company	17773	No award

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RUSSELL T. BATES

CLAYTON W. NASH

EVERETT M. BOWKER

COUNTY COMMISSIONERS

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

At a meeting of the County Commissioners, held at Dedham, on Tuesday, the sixteenth day of April, 1957:-

ORDERED, that the foregoing Decision be filed, accepted and recorded, and that an attested copy thereof be transmitted to the Clerk of the Town of BRAINTREE, the Department of Public Utilities and the New York, New Haven and Hartford Railroad Company.

RUSSELL T. BATES

CLAYTON W. NASH

EVERETT M. BOWKER

COUNTY COMMISSIONERS

A true copy,

ATTEST: Willis A. Neal CLERK

Recorded Apr. 26, 1957 at 3h. 57m. P.M.

**Know all men by these presents**

that the *South Weymouth Co-operative Bank*, the mortgagee named in a certain mortgage given by *Emilie M. Chishko*

dated October 6, A. D. 1952 and recorded with the