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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 May, 1961, by adjournment of their April meeting next preceding, a notice of said meeting having been posted as required by law:-

The petition of the BOARD OF SELECTMEN of the Town of DEDHAM 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 159, Section 59 of the General Laws, as amended, the Board of Selectmen deem it necessary for the security and convenience of the public that an alteration should be made in connection with the crossing of CEDAR STREET and the tracks of the New York, New Haven and Hartford Railroad Company (Midland Division) in the Town of DEDHAM, and herewith respectfully petition your Board to prescribe the manner and limits within which said alteration shall be made in accordance with the above mentioned statute.

JEREMIAH F. BULLOCK  
WALTER A. WHITE, JR.  
WILLIAM P. BROWNE

BOARD OF SELECTMEN  
OF THE TOWN OF DEDHAM

December 3, 1956

\* \* \* \* \*

This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, aforesaid on the sixteenth day of April, 1957: and the seventh day of May, 1957 and three-thirty 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 served upon the Clerk of the Town of DEDHAM, being the town within which such alteration of crossing was prayed for, and upon the New York, New Haven and Hartford Railroad Company 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 DEDHAM TRANSCRIPT, 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.

Searched 39598.13.

Refer to Plan No. 548-551-1961 PL. Book 211.

And on the said seventh day of May, 1957, 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 Town of DEDHAM was represented by John J. Shea, Commissioner of Public Works; and the New York, New Haven and Hartford Railroad Company was represented by Harry Bussing, Maintenance Engineer; and the said Commissioners heard all persons and corporations interested; and no party interested objected; and thereupon the said Commissioners did decide that the alteration as prayed for in said petition is necessary.

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, 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.

The easterly line begins at a stone bound on the southerly line of Border Street; thence running southwesterly by a curve with a radius of 40.00 ft. a distance of 52.20 ft. to a stone bound; thence S-7-57-40-W a distance of 63.83 ft. to a stone bound; thence S-23-17-40-W a distance of 133.21 ft. to a stone bound which is on the northerly line of location of the New York, New Haven and Hartford Railroad Company; thence S-21-54-38-W a distance of 97.49 ft. to a stone bound which is on the southerly line of location of the New York, New Haven and Hartford Railroad Company; thence S-42-27-45-W a distance of 106.73 ft. to a stone bound; thence S-54-53-55-W a distance of 67.88 ft. to a stone bound; thence S-53-02-05-W a distance of 190.20 ft. to a stone bound; thence by a curve to the left with a radius of 20.74 ft. a distance of 36.43 ft. to a stone bound which is on the northerly line of Turner Street.

The westerly line begins at a stone bound on the southerly line of Circuit Road; said bound being S-87-36-20-W a distance of 119.46 ft. from the first bound on the easterly line as above described; thence southeasterly by a curve with a radius of 24.95 ft. a distance of 42.21 ft. to a stone bound; thence by a curve to the right with a radius of 800.00 ft. a distance of 200.68 ft. to a stone bound; thence S-78-19-58-W a distance of

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49.70 ft. to a stone bound; thence S-34-25-04-W a distance of 25.00 ft. to the northerly line of location of the New York, New Haven and Hartford Railroad Company; thence continuing on the same course a distance of 119.67 ft. to a stone bound which is on the southerly line of location of the New York, New Haven and Hartford Railroad Company; thence northeasterly by a curve with a radius of 5688.40 ft. a distance of 50.00 ft. to a stone bound; thence southwesterly by a curve with a radius of 1400.00 ft. a distance of 276.74 ft. to a stone bound which is on the westerly line of Cedar Street as laid out by the Town of Dedham on April 2, 1928; said bound being N-48-55-10-W a distance of 76.23 ft. from the last bound on the easterly line as above described.

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 location hereinbefore described and the grade thereof is established all as shown upon a plan entitled "Plan and Profile showing Alteration of Railroad Crossing and Approaches of CEDAR STREET, DEDHAM as made by the Norfolk County Commissioners by Decision dated May 9, 1961. Horizontal Scale: 1 inch = 20 feet. Vertical Scale: 1 inch = 4 feet. 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 there of 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 the said Commissioners do likewise further take all the easements and rights for drainage purposes in Parcel #2-a and #3-a as indicated on said plan.

And permanent stone bounds will be erected at the termini and angles of said way altered as aforesaid.

And it is determined by the Commissioners that a new bridge shall be constructed on Cedar Street over the tracks of the New York, New Haven and Hartford Railroad Company, said



bridge shall have a prestressed concrete deck with two and one half inches (2½") of Type I. surface, <sup>the travelled way</sup> shall be constructed thirty (30) feet wide with concrete curbs; six (6) foot concrete sidewalks on either side; the span over the railroad tracks shall have a minimum vertical clearance above the top of the highest rail; this clearance to be no less than eighteen feet, six inches (18' 6")

And it is further determined by the Commissioners that the approaches on Cedar Street to said bridge shall be constructed between Turner and Border Streets, said approaches to have a roadway of bituminous concrete with a width of not less than thirty (30) feet and not less than five (5) foot bituminous sidewalks on either side; highway guard rail shall be erected at all steep and dangerous locations; suitable drainage shall be installed wherever necessary for proper drainage.

And it is further determined by the Commissioners that the grade of the base of the rail and the location of the railroad tracks shall remain unchanged as at present; that all signals and other appliances for the safe operation of the railroad shall be changed to conform to the requirements of the Department of Public Utilities for the protection of the public.

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:

<u>Parcel Number</u>	<u>Owner</u>	<u>Approximate Sq. Ft. Taken</u>	<u>Award</u>
1.	The New York, New Haven & Hartford Railroad Company Mtg: The Chase National Bank of the City of New York Mtg: Manufacturers Trust Company	10053	1.00
2.	The New York, New Haven and Hartford Railroad Company Mtg: The Chase National Bank of the City of New York Mtg: Manufacturers Trust Company	4132	1.00
3.	Lawrence A. Martell et ux	867 Slope easement	1.00
4.	Jennie B. Robinson Mtg: Union Savings Bank of Boston	Slope Easement	1.00

5.	The New York, New Haven and Hartford Railroad Company Mtg: The Chase National Bank of the City of New York Mtg: Manufacturers Trust Company	Slope easement 1.00		
6.	Nicholas A. Sulle Ld. Ct. Cert. #6551, Bk. 318, P. 151 Mtg: Dedham Institution for Savings	Slope easement 1.00		
	<u>Parcel Number</u>	<u>Owner</u>	<u>Approximate Sq. Ft. Taken</u>	<u>Award</u>
7.	Margaret A. Geary Ld. Ct. Cert. #11761, Bk. 59, P. 161 Mtg: Mt. Vernon Cooperative Bank	Slope easement	1.00	
8.	John E. Connolly et ux Ld. Ct. Cert. #25944, Bk. 130, P. 144 Mtg: Mt. Vernon Cooperative Bank	Slope easement	1.00	
9.	Paul T. Geary et ux Ld. Ct. Cert. #42647, Bk. 214, P. 47 Mtg: Home Owners Federal Savings and Loan Association	Slope easement	1.00	
10.	Frank Bryant et ux Ld. Ct. Cert. #36665, Bk. 184, P. 65 Mtg: Dedham Cooperative Bank	Slope easement	1.00	
11.	Edith M. Coffey Mtg: Dedham Cooperative Bank	Slope easement	1.00	
12.	John P. Farrell et ux Mtg: The Boston Five Cents Savings Bank	Slope easement	1.00	
13.	Harold J. A. Street	Slope easement	1.00	
14.	Edward N. Kelly et ux	Slope easement	1.00	
2-A	The New York, New Haven and Hartford Railroad Company Mtg: The Chase National Bank of the City of New York Mtg: Manufacturers Trust Company	Drainage easement	1.00	
3-A	Lawrence A. Martell et ux	Drainage Easement	1.00	
			<b>Total</b>	<b>\$ 16.00</b>

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 ninth day of May, 1961, by adjournment of their April meeting next preceding, a notice of said meeting having been posted as required by law:

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 Dedham, the Department of Public Utilities and the New York, New Haven and Hartford Railroad Company.

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RUSSELL T. BATES  
CLAYTON W. NASH  
EVERETT M. BOWKER  
COUNTY COMMISSIONERS

A true copy,

ATTEST: William A. Neal CLERK

Recorded May 24, 1961 at 3h.38m.P.M.

We, Peter Fata and Gabriel Fata both of Boston Suffolk County, Massachusetts, being ~~un~~married, for consideration paid, grant to Cecilia A. Nedder, single woman

of Boston, Suffolk County, Massachusetts with quitclaim covenants a certain parcel of land situated partly in the Hyde Park District of Boston, Suffolk County, Massachusetts and partly in Dedham, Norfolk County, Massachusetts, shown as lot ~~the land~~ number six (6) on a "Subdivision Plan of Land in Boston and Dedham, Mass. dated August 27, 1960, Francis A. Cass, Registered Engineer" recorded herewith, and bounded and described as follows:

~~the parcel~~  
Northerly by land now or formerly of Arthur Fata-- one hundred and seventy-six (176) feet as shown on said plan;  
EASTERLY by Solaris Road, formerly Sunny Side Avenue, fifty-six and eighty-two one hundreds (56.82) feet, as shown on said plan;  
SOUTHERLY by land now or formerly of Michael Fata, one hundred and seventy-six (176) feet, as shown on said plan;  
WESTERLY fifty-six and eighty-two one hundreds (56.82) feet, as shown on said plan.  
Containing ten thousand square (10,000.) square feet of land.

Being a portion of the premises conveyed by Isaac Bullard to Thomas Fata, by deed dated March 15, 1911 and recorded with Norfolk deeds, book 1183, page 228, for our title see Suffolk Probate records Estate of Thomas Fata #310395. The circumstances of this sale are such that no revenue stamps are necessary.

Mary Fata, wife of Peter Fata, and Lena Fata, wife of ~~husband~~ ~~wife~~ ~~of said~~ ~~decedent~~  
Gabriel Fata

release to said grantee all right of ~~tenancy by the entirety~~ ~~dower and homestead~~ and other interests therein.

Witness our hands and seal s this 5th day of May 1961

Peter Fata  
Mary Fata  
Gabriel Fata  
Lena Fata

The Commonwealth of Massachusetts

in Suffolk ss. May 5th 1961

Then personally appeared the above named Peter Fata and Gabriel Fata