

#481

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 first day of May, 1962, by adjournment of their April meeting next preceding: a notice of said meeting having been posted as required by law:-

The petition of ROBERT BELL and others of FRANKLIN 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 FRANKLIN in said County, that Common convenience and necessity require that the way known as POND STREET, a public way in said town, be relocated between West Central Street and Oak 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 July 1, 1958.

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|---------------------------------|-----------------------------|
| Robert Bell, Chm. Selectmen | 378 Lincoln St. Franklin |
| William D. O'Neill, Selectman | 13 Church Ave. Franklin |
| Henry L. Vendetti | 48 Washington St. Franklin |
| Town of Franklin Planning Board | |
| Kenneth E. McIntyre, Chairman | 29 Queen St. Franklin |
| Angeline E. Carmignani | 648 W. Central St. Franklin |
| Robert M. Kearney | 272 Lincoln St. Franklin |
| Walter E. Sampson | 33 Queen St. Franklin |

This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, aforesaid, on the thirtieth day of June, 1959 by adjournment of their June meeting next preceding: and the twenty-eighth day of July, 1959, then next and three-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 FRANKLIN, being the town within which such relocation of way was prayed for, fifteen days at least before

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the time appointed for said view: and also caused copies of an abstract of said petition and of order of notice to be posted in two public places in said town: and to be published in the FRANKLIN SENTINEL, 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 twenty-eighth day of July, 1959, 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 FRANKLIN 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 re-located 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 at Dedham on the fourth day of April, 1961, when and where upon the adjudication aforesaid, the Commissioners appointed the ninth day of May, 1961 and three-thirty o'clock in the afternoon at the Town Hall in FRANKLIN 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 POND STREET as prayed for in said petition.

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

The westerly line begins at a stone bound on the northerly line of West Central Street; thence northeasterly by a curve with a radius of 40.00 ft. a distance of 48.40 ft. to a stone bound; thence N-11-52-00-W a distance of 496.45 ft. to a stone bound; thence by a curve to the left with a radius of 1600.00 ft. a distance of 290.04 ft. to a stone bound; thence N-22-15-10-W a distance of 429.16 ft. to a stone bound; thence by a curve to the right with a radius of 1060.00 ft. a distance of 347.09 ft. to a stone bound; thence N-3-29-30-W a distance of 545.32 ft. to a stone bound; thence by a curve to the left with a radius of 2000.00 ft. a distance of 186.07 ft. to a stone bound; thence N-8-49-20-W a distance of 600.00 ft. to a stone bound; thence continuing on the same course a distance of 629.70 ft. to a stone bound; thence by a curve to the right with a radius of 4060.00 ft. a distance of 248.41 ft. to a stone bound; thence N-5-19-00-W a distance of 600.00 ft. to a stone bound; thence continuing on the same course a distance of 712.16 ft. to a stone bound; thence N-2-25-10-W a distance of 95.47 ft. to a stone bound; thence by a curve to the left with a radius of 60.00 ft. a distance of 62.76 ft. to a stone bound which is on the southerly line of Oak Street Extension as laid out by the Norfolk County Commissioners by Return dated July 19, 1881; thence N-8-41-30-W a distance of 62.08 ft. to a stone bound which is on the northerly line of Oak Street Extension as laid out by the Norfolk County Commissioners by Return dated July 19, 1881; thence northeasterly by a curve with a radius of 24.46 ft. a distance of 51.26 ft. to a stone bound; thence N-2-25-10-W a distance of 28.82 ft. to a stone bound which

is on the westerly line of Pond Street as laid out by the Norfolk County Commissioners by Return dated July 1, 1930.

The easterly line begins at a stone bound on the northerly line of West Central Street, said bound being N-57-27-49-E a distance of 135.16 ft. from the first bound on the westerly line as above described; thence northwesterly by a curve with a radius of 30.00 ft. a distance of 57.95 ft. to a stone bound; thence N-11-52-00-W a distance of 458.09 ft. to a stone bound; thence by a curve to the left with a radius of 1000.00 ft. a distance of 300.91 ft. to a stone bound; thence N-22-15-10-W a distance of 429.16 ft. to a stone bound; thence by a curve to the right with a radius of 1000.00 ft. a distance of 327.44 ft. to a stone bound; thence N-3-29-30-W a distance of 230.59 ft. to a stone bound; thence by a curve to the right with a radius of 30.94 ft. a distance of 47.12 ft. to a concrete bound; which is on the southerly line of Hilltop Road; thence N-9-42-30-E a distance of 41.60 ft. to a concrete bound which is on the northerly line of Hilltop Road; thence northwesterly by a curve with a radius of 37.19 ft. a distance of 60.19 ft. to a stone bound; thence N-3-29-30-W a distance of 156.17 ft. to a stone bound; thence by a curve to the left with a radius of 2000.00 ft. a distance of 191.65 ft. to a stone bound; thence N-3-49-20-W a distance of 600.00 ft. to a stone bound; thence continuing on the same course a distance of 629.70 ft. to a stone bound; thence by a curve to the right with a radius of 4000.00 ft. a distance of 244.73 ft. to a stone bound; thence N-5-19-00-W a distance of 600.00 ft. to a stone bound; thence continuing on the same course a distance of 712.16 ft. to a stone bound; thence by a curve to the right with a radius of 24.33 ft. a distance of 59.96 ft. to a stone bound which is on the southerly line of Oak Street as laid out by the Norfolk County Commissioners by Return dated July 16, 1929; thence N-13-51-39-W a distance of 142.11 ft. to a stone bound which is on the northerly line of Oak Street as laid out by the Norfolk County

Commissioners by Return dated July 16, 1929; thence northwesterly by a curve with a radius of 360.00 ft. a distance of 106.78 ft. to a stone bound which is on the easterly line of Pond Street as laid out by the Norfolk County Commissioners by Return dated July 1, 1930, said bound being N-82-49-30-E a distance of 50.00 ft. from the last bound on the westerly line as above described.

The westerly line heretofore described, in general, is 60.00 ft. westerly from and parallel to the easterly 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 location 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 Pond Street, Franklin, from West Central Street to Oak Street as made by the Norfolk County Commissioners by Return dated May 1, 1962. 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 General Laws, Chapter 79, and all acts in amendment 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 located 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 FRANKLIN 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 FRANKLIN.

And it is determined by the Commissioners that all the expense of making the relocation of way as 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 FRANKLIN.

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 named; the same to be paid to said parties respectively by the Inhabitants of the Town of FRANKLIN 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.

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<u>Pcl. No.</u>	<u>Owner</u>	<u>Sq.Ft. Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
1.	Ruth H. Reddy	1080 Slope easement	1.12	550.00
2.	Kersam G. Ajemian	15800 Slope easement	1.53	1200.00
3.	Town of Franklin	40000 Slope easement	-	-
4.	Melvin S. Compton et ux	14800 Slope easement	.71	100.00
5.	Lillian H. Greene	3800 Slope easement	2.14	400.00
6.	Melvin S. Compton et ux	6140 Slope easement	.29	50.00
7.	Phoebe L. Daniels	18200 Slope easement	.89	100.00
8.	Peter A. Mucciarone et ux Mtg: Milford Federal Sav- ings and Loan Association	3800 Slope easement	2.41	200.00
9.	Bernice Green Mtg: Framingham Trust Company	850 Slope easement	.58	50.00
10.	Bernice Green Mtg: Framingham Trust Company	1390 Slope easement	.98	60.00
11.	Bernice Green Mtg: Framingham Trust Company	2350 Slope easement	1.57	75.00
12.	Robert W. Kenny et ux Mtg: Framingham Trust Company Mtg: Home Savings Bank Mtg: Worcester County In- stitution for Savings	3620 Slope easement	3.60	200.00
13.	Jimmy St.	2120	-	-
14.	Holbert Construction Corp. Mtg: Framingham Trust Company	3100 Slope easement	3.32	200.00
15.	Holbert Construction Corp. Mtg: Framingham Trust Company	2550 Slope easement	2.87	150.00
16.	Edgar W. James et ux Mtg: Worcester County In- stitution for Savings	1960 Slope easement	2.27	150.00
17.	Owen W. Emery et ux Mtg: Benjamin Franklin Savings Bank	1440 Slope easement	1.70	150.00
18.	Robert A. Booth et ux Mtg: Framingham Trust Company	1520 Slope easement	1.79	150.00

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<u>Pol. No.</u>	<u>Owner</u>	<u>Sq.Ft. Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
19.	Francis H. Allison et ux Mtg: Natick Federal Savings and Loan Association	1310	1.85	200.00
20.	Peter J. Bournazos et ux John W. Bunker, Sheriff's Deed Mtg: Natick Federal Savings and Loan Association	1110	1.56	200.00
21.	William L. Faulstitch et ux Mtg: Natick Federal Savings and Loan Association	900	1.27	100.00
22.	Richard B. Gordon et ux Mtg: Natick Federal Savings and Loan Association	535	.74	50.00
23.	William H. Gillis et ux Mtg: Natick Federal Savings and Loan Association	5	.01	1.00
24.	Russell C. McConnell et ux Mtg: Haymarket Cooperative Bank	4480	4.31	250.00
25.	Roy J. Scipione et ux Mtg: Natick Federal Savings and Loan Association	1960	2.45	150.00
26.	Edward D. Pinkham et ux Mtg: Natick Federal Savings and Loan Association	1200	1.50	100.00
27.	Walter L. Storkus et ux Mtg: Natick Federal Savings and Loan Association	980	1.08	75.00
28.	Donald E. Becker et ux Mtg: Natick Federal Savings and Loan Association	760	.72	50.00
29.	Robert J. Kennefick et ux Mtg: Natick Federal Savings and Loan Association	260	.21	15.00
30.	Richard P. Nicoli, Trustee Mtg: Framingham Trust Company	150	.11	1.00
31.	Flynn Rd	430	-	-
32.	Bernice Green Mtg: Framingham Trust Company	870	.65	50.00
33.	Phoebe L. Daniels Mtg: The Federal Land Bank of Springfield	1380	.07	1.00

<u>Pat. No.</u>	<u>Owner</u>	<u>Sq. Ft. Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
33a.	Melvin S. Compton et ux Mtg: Meeting House Hill Cooperative Bank		Slope easement	1.00
33b.	Josephine C. Cawthra		Slope easement	1.00
33c.	Walter J. Dubois et ux Mtg: Natick Federal Savings and Loan Association Mtg: Davmar Inc.		Slope easement	1.00
33d.	George F. Maloney et ux Mtg: Home Owners Federal Savings and Loan Association Mtg: Nancy B. Skene		Slope easement	1.00
33e.	Richard J. Ferris et ux Mtg: Home Owners Federal Savings and Loan Association		Slope easement	1.00
33f.	John S. Hughes et ux Mtg: Home Owners Federal Savings and Loan Association		Slope easement	1.00
34.	John B. Murphy et ux Mtg: Home Owners Federal Savings and Loan Association	40	.05 Slope easement	1.00
34a.	Normand F. Bibeault et ux Mtg: Home Owners Federal Savings and Loan Association		Slope easement	1.00
34b.	Ronald R. Doyle et ux Mtg: Home Owners Federal Savings and Loan Association Mtg: Paul E. Taylor		Slope easement	1.00
34c.	Anthony F. Ulackas et ux Mtg: The Prudential Insurance Company of America		Slope easement	1.00
34d.	John G. Ridgway et ux Mtg: Worcester County In- stitution for Savings		Slope easement	1.00
35.	Home Owners Federal Savings and Loan Association	190	.27 Slope easement	25.00
36.	Arthur E. Conley et ux Mtg: Home Owners Federal Savings and Loan Association	590	.80 Slope easement	60.00
37.	Ogden M. Carr, Jr. et ux Mtg: Sumner G. Whittier, Administrator of Veterans' Affairs	700	.99 Slope easement	70.00

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<u>Pal. No.</u>	<u>Owner</u>	<u>Sq.ft. Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
38.	Hugh D. Mick et ux Mtg: Sumner G. Whittier Administrator of Veterans' Affairs	620	.87	60.00
39.	Robert E. Andrews et ux Mtg: Sumner G. Whittier, Administrator of Veterans' Affairs	600	.82	60.00
40.	John V. Hayes Jr., et ux	550	.75	75.00
41.	Charles A. Quale Mtg: Home Owners Federal Savings and Loan Association	530	.80	60.00
TOTAL				\$ 5449.00

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, walls, hedges and fences from the lands so taken, at any time within three months from the date on which entry is made or possession taken for the purpose of constructing said way.

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 first day of May, 1962, by adjournment of their April meeting next preceding: a notice of said meeting having been posted as required by law:

ORDERED: that the foregoing Return and Order of Taking be filed, accepted and recorded, and that an attested copy thereof be transmitted to the Clerk of the Town of FRANKLIN 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.

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

A true copy,

ATTEST: Willis C. Neal CLERK

Recorded May 23, 1962 at 3h.58m.P.M.