

#492

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 twenty-fourth day of July, 1962, by adjournment of their June meeting next preceding, a notice of said meeting having been posted as required by law:

The petition of HARRISON T. SMILEY 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 PEARL STREET, a public way in said town, be relocated and establish grades between Station 15 and Station 28 as shown on plan 761-G "Braintree Pearl St. Sta. 13 to Sta. 33" for the purpose of modifying and improving curve radii between said points.

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

Dated September 11, 1961

Harrison T. Smiley
Paul H. Young
Fred A. Tenney
Joseph M. Magaldi
Frederick J. Klay

This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, aforesaid on the thirteenth day of February, 1962, by adjournment of their December meeting, a notice of said meeting having been posted as required by law: and the thirteenth day of March, 1962 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 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

Refer to Plan No. 867-868-869-1962 P.L. Book 713

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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 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 thirteenth day of March, 1962, the Commissioners, Russell T. Bates, Clayton W. Nash and Everett M. Bowker, met at the time and place specified in said order; and no one representing the petitioners having appeared, the said Commissioners adjourned said hearing to a meeting of the Commissioners held at Dedham on the twentieth day of March, 1962 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 the Town Hall in BRAINTREE on the eighth day of May, 1962 at three o'clock in the afternoon when and where the Commissioners further heard the petitioners and owners of property to be taken or affected by said proceedings and thence the same 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 PEARL STREET AS prayed for in said petition.

And the lines of said relocation of said PEARL STREET are as follows:

The northerly line begins at a stone bound on the northerly line of Pearl Street as laid out by the Norfolk County Commissioners by Return dated November 7, 1950; thence N-64-37-30-E a distance of 128.84 ft. to a stone bound; thence by a curve to the right with a radius of 5589.47 ft. a distance of 259.68 ft. to a stone bound; thence continuing on the same curve a distance of 259.68 ft. to a stone bound; thence by a curve to the right with a radius of 595.56 ft. a distance of 379.78 ft. to a stone bound; thence by a curve to the left with a radius of 19.31 ft. a distance of 30.03 ft. to a stone bound which is on the westerly line of Crawford Street; thence S-73-44-50-E a distance of 40.01 ft. to a stone bound which is on the easterly line of Crawford Street; thence southeasterly by a curve with a radius of 20.00 ft. a distance of 31.43 ft. to a stone bound; thence S-72-38-34-E a distance of 88.03 ft. to a stone bound which is on the northerly line of Pearl Street as laid out by the Town of Braintree on March 13, 1916.

The southerly line begins at a stone bound on the southerly line of Pearl Street as laid out by the Norfolk County Commissioners by Return dated November 7, 1950, said bound being S-14-47-40-E a distance of 50.86 ft. from the first bound on the northerly line as above described; thence N-64-37-30-E a distance of 138.18 ft. to a stone bound; thence by a curve to the right with a radius of 5539.47 ft. a distance of 257.35 ft. to a stone bound; thence continuing on the same curve a distance of 73.56 ft. to a stone bound; thence by a curve to the right with a radius of 1000.00 ft. a distance of 343.04 ft. to a stone bound; thence continuing on the same curve a distance of 343.04 ft. to a stone bound which is on the southerly line of Pearl Street as laid out by the Town of Braintree on March 13, 1916, said bound being S-17-21-26-W a distance of 50.00 ft. from the last bound on the northerly line as above described.

The southerly line heretofore described, in general, is 50.00 ft. southerly from and parallel to the northerly 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 Pearl Street, Braintree from Station 13 + 28.32 to Station 24 + 92.84 as made by the Norfolk County Commissioners by Return dated July 24, 1962. 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 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 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 railing 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 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 BRAINTREE.

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 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>Pcl. No.</u>	<u>Owner</u>	<u>Approximate Sq.Ft. Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
1.	Weymouth Art Leather Company	Slope easement		1.00
1A.	Gladys B. Burke Mtg: Braintree Savings Bank	Slope easement		1.00
1B.	Thomas C. Dwyer et ux Mtg: The Braintree Cooperative Bank	Slope easement		1.00
1C.	John M. Sullivan et ux Mtg: The Braintree Savings Bank	Slope easement		1.00
1D.	Daniel J. MacNeil et ux Mtg: Institution for Savings in Roxbury	Slope easement		1.00
2.	Gerald J. Kennedy et ux Mtg: The Quincy Cooperative Bank	Slope easement	70 .12	10.00
3.	George T. LeGrice Mtg: The Braintree Savings Bank	Slope easement	750 1.59	100.00
4.	Rock Avenue	Slope easement	690 -	-
5.	Frederick J. Klay Mtg: Industrial Properties, Inc.	Slope easement	1350 .11	50.00
6.	Frederick J. Klay Mtg: The Braintree Savings Bank Mtg: Industrial Properties, Inc.	Slope easement	6400 4.47	100.00
TOTAL				\$ 265.00

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 three months from the date on which entry is made or possession taken for the purpose of constructing the 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 twenty-fourth day of July, 1962, by adjournment of their June 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 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.

RUSSELL T. BATES

CLAYTON W. NASH

EVERETT M. BOWKER

COUNTY COMMISSIONERS

A true copy,

ATTEST A. Kelly CLERK

Recorded Aug. 8, 1962 at 3h.32m.P.M.