

498

4001

544

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 tenth 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 FRANK D. HARRINGTON 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 WALNUT STREET, a public way in said town, be relocated between Washington Street and High Street for the purpose of making alterations in the course of width of said way.

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

Dated April 2, 1962

Frank D. Harrington	21 Lowell Road
Theresa L. Morse	32 Borland St.
Eugene B. Floyd	348 Walnut Street
Gordon C. Macdonald	19 Tully St.
Peter M. McCormack	22 Emerson St.

This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, aforesaid, on the twenty-second day of May, 1962, by adjournment of their April meeting next preceding, a notice of said meeting having been posted as required by law: and the twelfth day of June, 1962, then next and two 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 BROOKLINE, being the town within which such relocation of way was prayed for, fifteen days at least before

See Vol 4034 P. 450

refer to Plan 769 of 1962 Pl. Bk 213

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 BROOKLINE 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.

And on the said twelfth day of June, 1962, the Commissioners, Russell T. Bates, Clayton W. Nash and Ainslie K. Payne (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 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, by courses and distances, metes and bounds, do relocate said WALNUT STREET as prayed for in said petition.

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

The northerly line begins at a stone bound on the easterly line of High Street; thence southeasterly by a curve with a radius of 25.00 ft. a distance of 42.52 ft. to a stone bound; thence N-88-39-35-E a distance of 68.81 ft. to a brass pin; thence by a curve to the left with a radius of 90.00 ft. a distance of 79.93 ft. to a stone bound; thence N-37-46-25-E a distance of 32.77 ft. to a stone bound; thence by a curve to the left with a radius of 8.00 ft. a distance of 18.02 ft. to a

stone bound which is on the southerly line of Washington Street.

The southerly line begins at a stone bound on the easterly line of High Street, said bound being S-6-06-35-W a distance of 28.48 ft., S-21-40-45-W a distance of 48.89 ft. and S-12-27-35-E a distance of 24.75 ft. from the first bound on the northerly line as above described; thence northeasterly by a curve with a radius of 25.00 ft. a distance of 33.25 ft. to a stone bound; thence N-88-39-35-E a distance of 98.04 ft. to a stone bound; thence by a curve to the left with a radius of 140.00 ft. a distance of 124.34 ft. to a stone bound; thence N-37-46-25-E a distance of 91.11 ft. to a stone bound which is on the southerly line of Washington Street, said bound being N-88-42-05-E a distance of 16.82 ft. and N-88-03-10-E a distance of 65.01 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 Walnut Street, Brookline from High St. to Washington St. as made by the Norfolk County Commissioners by Return dated July 10, 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 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 thirty-four (34) 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 BROOKLINE.

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 BROOKLINE.

And the said Commissioners have heard the proprietors of land and property, right 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

548

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 said way.

<u>Pcl. No.</u>	<u>Owner</u>	<u>Approximate Sq.Ft. Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
1.	Brookline Housing Authority	669	-	1.00

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

AINSLIE K. PAYNE

COUNTY COMMISSIONERS

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

At a meeting of the County Commissioners, held at Dedham, on Tuesday, the tenth 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 BROOKLINE within which the limits of said highway described therein lies,

that the same may be recorded by said Clerk, within ten days, 549
in the book of records kept in said town for that purpose.

RUSSELL T. BATES

CLAYTON W. NASH

AINSLIE K. PAYNE

COUNTY COMMISSIONERS

A true copy,

ATTEST: William A. Neal CLERK

Recorded July 19, 1962 at 3h.53m.P.M.

WOLLASTON FEDERAL SAVINGS AND LOAN ASSOCIATION, the mortgagee in a certain mortgage given by George J. Magee and Stanford H. Magee

to the said Wollaston Federal Savings and Loan Association

dated February 12, 1954

and recorded with Norfolk Deeds, Book 3240 . Page 173

hereby acknowledges that it has received full payment and satisfaction of the same, and in consideration thereof it hereby cancels and discharges said mortgage :

In witness whereof, the said Wollaston Federal Savings and Loan Association has caused its corporate seal to be hereunto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by William S. Howard, Treasurer, this eighteenth day of July, 1962

WOLLASTON FEDERAL SAVINGS AND LOAN ASSOCIATION

By William S. Howard

Treasurer
~~Asst. Treasurer~~

Commonwealth of Massachusetts



Norfolk, ss. July 18, 1962

Then personally appeared the above named

William S. Howard,

Treasurer, and acknowledged the foregoing instrument

to be the free act and deed of the WOLLASTON FEDERAL SAVINGS AND LOAN ASSOCIATION before me

George A. McIntire
George A. McIntire Notary Public

My commission expires AUGUST 16, 1963

Recorded July 19, 1962 at 4h.P.M.