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COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

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At a meeting of the County Commissioners for the County of Norfolk, held at Dedham, within and for said County on the twenty-seventh day of August, 1968, by adjournment of their June meeting next preceding; a notice of said meeting having been posted as required by law:

The petition of CHARLES M. MC GOWAN and others of Dedham, in said County of Norfolk: 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 Dedham in said County, that common convenience and necessity require that the way known as Common Street, a public way in said town, be relocated from Haven Street northwesterly a distance of about 1600 feet for the purpose of: establishing boundary lines of said way; making alterations in the course of width of said way; making specific repairs on said way.

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

CHARLES M. MC GOWAN  
FRANCIS W. O'BRIEN  
WILLIAM P. BROWNE  
ALFRED L. PODOLSKI  
WALTER H. CARROLL

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This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, on the fifth-day of March, 1968, by adjournment of their January meeting next preceding; a notice of said meeting having been posted as required by law: and the twenty-sixth day of March, 1968, and two-thirty o'clock in the afternoon at the Court House in said Dedham was appointed by said Commissioners as the time and place for commencing and proceeding to view the premises; and they thereupon caused a copy of said petition and order of notice

Refer to Plan # 739 of Res. Pl. Book 224

thereon to be served upon the Clerk of the Town of Dedham, being the town within which such relocation of way was prayed for, 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.

And on the twenty-sixth day of March, 1968, the Commissioners, James J. Collins, Russell T. Bates and Thomas K. McManus, 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 Tulloch and Rev. James Hill of the Queen of the Apostles Seminary; 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 this meeting.

And now the said Commissioners, by courses and distances, metes and bounds, do relocate said Common Street as prayed for in said petition.

And the lines of said relocation of said Common Street are as follows:

Beginning at a stone bound on the present northerly line of Common Street as laid out by the Norfolk County Commissioners by Return dated August 9, 1938, said bound being about 800 ft. northwesterly of Haven Street; thence N-76-13-34-W a distance of

41.34 ft. to a stone bound; thence by a curve to the right with a radius of 1615.00 ft. a distance of 410.69 ft. to a stone bound thence N-61-39-22-W a distance of 220.23 ft. to a stone bound which is on the northerly line of Common Street as laid out by the Norfolk County Commissioners by Return dated August 9, 1938.

And the said Commissioners do hereby take for the purposes of a highway all the easements and rights incident to a public highway in the lands included between the above-described line and the northerly line as laid out on August 9, 1938, all as shown upon a plan entitled "Plan showing the relocation and widening of a portion of Common Street, Dedham from a point about 800 feet northwesterly of Haven Street, northwesterly about 675 feet as made by the Norfolk County Commissioners by Return dated August 27, 1968. Scale: 1 inch = 40 feet. Charles C. Cain, County Engineer" and signed by "Thomas K. McManus, Acting Chairman" which plan is filed herewith and made a part of this Return in accordance with the provisions of Chapter 79 of the General Laws and all acts and amendments 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 relocated as aforesaid.

And it is determined by the Commissioners that the Inhabitants of the Town of Dedham, 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.

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 to be 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 Dedham.

And it is determined by the Commissioners that all the expense of making the relocation of way prescribed in this Return and Order including the expense of constructing said way, and all land and other damages and expenses incident thereto be paid by the Inhabitants of the Town of Dedham.

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 in accordance with the requirements of General Laws, Chapter 79, possession becoming effective upon the recording of this Return and Order of Taking in the Norfolk County Registry of Deeds.

<u>Pcl</u> <u>No.</u>	<u>Owner</u>	<u>Sq.Ft.</u>	<u>Tax Al-</u> <u>Taken</u>	<u>lowance</u>	<u>Award</u>
1	Queen of Apostles Seminary Inc.	7312	-		No award
				Slope Easement	

And having heard the proprietors of land 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 of possession for the purpose of constructing said way.

THOMAS K. MC MANUS

*Russell J. Bates*

COUNTY COMMISSIONERS

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

At a meeting of the County Commissioners, held at Dedham, on Tuesday, the twenty-seventh day of August, 1968, 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 be filed, accepted and recorded, and that an attested copy thereof be transmitted to the Clerk of the Town of Dedham 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.

THOMAS K. MC MANUS

*Russell J. Bates*

COUNTY COMMISSIONERS

Entered and recorded with County Commissioners' Records:

JOHN P. CONCANNON

CLERK

A true copy,

Attest: *John P. Concannon* CLERK