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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 eighteenth day of March, 1969, by adjournment of their December meeting next preceding: a notice of said meeting having been posted as required by law:

The petition of AUSTIN C. BUCHANAN and others of MEDFIELD 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 MEDFIELD in said County, that common convenience and necessity require that the way known as ELM STREET, a public way in said town, be relocated between South Street and Philip Street for the purpose of establishing the boundary lines of said way, and making alterations in the course of width of said way.

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

Dated December 23, 1965

- | | |
|--------------------|--------------------------------|
| Austin C. Buchanan | 63 Pleasant Street |
| Edward R. Perry | 300 South St., Medfield, Mass. |
| Richard G. Connors | 45 Curve St., Medfield |
| Harry R. Leighton | 49 South St., Medfield |
| Robert L. Coulter | Winter St., Medfield |
| Charles C. Cain | Pleasant St., Medfield |
| John F. Bradstreet | 95 South St., Medfield |
| Ernest L. Spencer | 8 Pleasant Ct., Medfield |

This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, on the twenty-third day of August, 1966 by adjournment of their June meeting next preceding; a notice of said meeting having been posted as required by law; and the twentieth day of September, 1966 and three o'clock in the afternoon at the Town Hall in Medfield were appointed by said Commissioners as the time and place for commencing and proceeding to view the premises; and they

See Pl # 275 thru 279 of 1969 Pl Bk 225

thereupon caused a copy of said petition and of order of notice thereon to be served upon the Clerk of the Town of MEDFIELD, 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 said twentieth day of September, 1966, the Commissioners, John Francis Murphy, James J. Collins and Russell T. Bates, met at the time and place specified in said Order, when and where the petitioners appeared and the Town of MEDFIELD was represented by its Selectman; and the said Commissioners then viewed the route and premises, and heard all persons and corporations interested.

And thence the same was continued and adjourned from time to time to a meeting of the Commissioners held at Dedham on the thirteenth day of August, 1968, by adjournment of their June meeting next preceding, at which time the Commissioners, James J. Collins, Thomas K. McManus and Russell T. Bates, did adjudge that common convenience and necessity require that said way be relocated as prayed for in said petition: when and where upon said adjudication, the Commissioners appointed the twenty-fourth day of September, 1968 and two-thirty o'clock in the afternoon at the Court House in Dedham 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 Commissioners, James J. Collins, Thomas K. McManus and George B. McDonald, by courses and distances, metes and bounds, do relocate said ELM STREET as prayed for in said petition.

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

The northerly line begins at a point on the easterly line of South Street as laid out by the Norfolk County Commissioners by return dated October 23, 1917; said point being at the southeasterly end of a curve having a radius of 132.34 ft.; thence S-75-31-00-E a distance of 184.56 ft. to a stone bound; thence by a curve to the right with a radius of 860.00 ft. a distance of 284.27 ft. to a stone bound; thence S-56-34-40-E a distance of 104.52 ft. to a stone bound; thence by a curve to the left with a radius of 600.00 ft. a distance of 208.48 ft. to a stone bound; thence by a curve to the left with a radius of 52.24 ft. a distance of 90.80 ft. to a concrete bound which is on the westerly line of Cross Street; thence S-43-52-50-E a distance of 53.99 ft. to a stone bound on the easterly side of Cross Street; thence southeasterly by a curve with a radius of 40.00 ft. a distance of 55.71 ft. to a stone bound; thence S-75-52-10-E a distance of 399.81 ft. to a stone bound; thence by a curve to the left with a radius of 30.00 ft. a distance of 48.78 ft. to a stone bound which is on the westerly line of Steven Lane; thence S-76-08-30-E a distance of 40.05 ft. to a stone bound which is on the easterly line of Steven Lane; thence southeasterly by a curve with a radius of 30.63 ft. a distance of 49.14 ft. to a stone bound; thence by a curve to the left with a radius of 800.00 ft. a distance of 282.86 ft. to a stone bound; thence N-78-58-20-E a distance of

215.30 ft. to a stone bound; thence by a curve to the left with a radius of 2000.00 ft. a distance of 120.52 ft. to a stone bound; 195
thence N-75-31-10-E a distance of 509.87 ft. to a stone bound;
thence by a curve to the left with a radius of 1400.00 ft. a distance of 218.89 ft. to a stone bound; thence N-66-33-40-E a distance of 432.16 ft. to a stone bound; thence by a curve to the right with a radius of 860.00 ft. a distance of 538.89 ft. to a stone bound; thence S-77-32-10-E a distance of 331.36 ft. to a stone bound; thence by a curve to the left with a radius of 1200.00 ft. a distance of 291.47 ft. to a stone bound; thence N-88-32-50-E a distance of 145.68 ft. to a stone bound; thence by a curve to the left with a radius of 50.00 ft. a distance of 97.15 ft. to a stone bound which is on the southerly line of Philip Street as laid out by the Norfolk County Commissioners by return dated March 28, 1967; thence S-76-52-40-E a distance of 74.08 ft. to a stone bound on the northerly line of Philip Street as laid out aforesaid.

The southerly line begins at a stone bound which is on the easterly line of South Street as laid out by the Norfolk County Commissioners by return dated October 23, 1917; said bound being S-16-18-20-E a distance of 124.69 ft. from the first point on the northerly line as above described; thence easterly by a curve with a radius of 187.14 ft. a distance of 136.80 ft. to a stone bound; thence by a curve to the right with a radius of 800.00 ft. a distance of 259.96 ft. to a stone bound; thence S-56-34-40-E a distance of 104.52 ft. to a stone bound; thence by a curve to the left with a radius of 660.00 ft. a distance of 222.22 ft. to a stone bound; thence S-75-52-10-E a distance of 300.00 ft. to a stone bound; thence S-52-13-20-E a distance of 116.24 ft. to a stone bound; thence by a curve to the left with a radius of 240.00 ft. a distance of 204.44 ft. to a stone bound; thence N-78-58-20-E a distance of 134.15 ft. to a stone bound; thence easterly and northeasterly by a curve with a radius of 860.00 ft.

a distance of 227.83 ft. to a stone bound; thence N-78-58-20-E a distance of 215.30 ft. to a stone bound; thence by a curve to the left with a radius of 2060.00 ft. a distance of 124.14 ft. to a stone bound; thence N-75-31-10-E a distance of 438.15 ft. to a stone bound; thence N-85-13-50-E a distance of 291.77 ft. to a stone bound; thence N-4-46-10-W a distance of 68.00 ft. to a stone bound; thence N-66-33-40-E a distance of 432.16 ft. to a stone bound; thence by a curve to the right with a radius of 800.00 ft. a distance of 501.30 ft. to a stone bound; thence S-77-32-10-E a distance of 331.36 ft. to a stone bound; thence by a curve to the left with a radius of 1260.00 ft. a distance of 306.04 ft. to a stone bound; thence N-88-32-50-E a distance of 145.68 ft. to a stone bound; thence by a curve to the left with a radius of 1459.78 ft. a distance of 166.18 ft. to a point, said point being S-22-47-00-E a distance of 46.99 ft., S-43-32-20-E a distance of 43.27 ft. and S-4-53-10-E a distance of 24.24 ft. from the last bound on the northerly line as above described.

The southerly line heretofore described, in general, is 60.00 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 Elm Street, Medfield between South Street and Philip Street as made by the Norfolk County Commissioners by Return dated March 18, 1969. Horizontal Scale: 1 inch = 40 feet. Vertical Scale: 1 inch = 8 feet. Charles C. Cain, County Engineer." and signed by "James J. Collins, 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 take temporary

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. Said temporary easements to be in effect only until said way is constructed to the full width of the layout as above described and a certificate to that effect has been duly filed by the County Commissioners with their official records. 197

And the said Commissioners do likewise further take all the easements and rights for drainage and slope purposes in Parcels 26 and 27 as indicated on said plan and is described as follows:

DRAINAGE

Beginning at a point on the northerly line of said ELM STREET as above described, said point being opposite station 22 on said plan; thence N-10-28-53-W a distance of 50.00 ft. to a point; thence easterly by a curve with a radius of 910.00 ft. a distance of 364.43 ft. to a point; thence S-77-32-10-E a distance of 42.61 ft. to a point; thence S-12-27-50-W a distance of 50.00 ft. to a point on the northerly line of said ELM STREET as above described; thence by said northerly line of ELM STREET N-77-32-10-W a distance of 42.61 ft. to a stone bound and by a curve to the left with a radius of 860.00 ft. a distance of 344.40 ft. to the point of beginning.

And permanent stone bounds will be erected at the termini and angles of said way, relocated 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 MEDFIELD, 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 MEDFIELD.

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 MEDFIELD.

And the Commissioners have heard the proprietors of lands and property, rights and interest, 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 Registry of Deeds.

<u>Pcl. No.</u>		<u>Approximate Sq. Ft. Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
1	Fred A. and Ruth H. Mallock Mtg: Home Savings Bank	Slope Easement	-	None
1A	Richard W. and Elaine R. Taylor Mtg: Walpole Co-Operative Bank Domestic Credit Corp.	Slope Easement	-	None
1B	Richard W. and Elaine R. Taylor	1100 Slope Easement	5.18	100.00
2	Howard A. and Bernadotte Johannessen Mtg: Kendall Mills Credit Union	1820 Slope Easement	5.51	200.00
3	Guy B., Jr. and Harriet L. Savage Mtg: Dedham Inst. for Savings	600 Slope Easement	3.06	None
3A	Andrew D. and Iona Starkey Mtg: Mattapan Co-Op. Bank	Slope Easement	-	None
4	Olga M. Harrington Mtg: Mattapan Coop. Bank	820 Slope Easement	5.35	25.00
5	Richard W. and Helen A. Montana Mtg: Mattapan Coop. Bank Lasell Realty Co.	6830 Slope Easement	42.51	200.00
6	Wilbur S. and Margaret A. Munger Mtg: Mattapan Co-op. Bank	10600 Slope Easement	57.84	375.00
7	Robert J. and Shirley M. Larkin Mtg: Mattapan Co-Op. Bank	4500 Slope Easement	30.21	300.00
8	Eric W. and Claudette E. O'Brien Mtg: West Newton Savings Bank Maurice E. O'Brien	660 Slope Easement	4.83	25.00
8A	Lasell Realty Co. Mtg: Meeting House Hill Coop. Bank	Slope Easement	-	None
8B	Frank G. Webster	Slope Easement	-	None
9	Robert H. and Marie A. Chase Mtg: Dedham Inst. for Savings	1600 Slope Easement	5.62	1200.00
10	Ralph S. and Hazel M. Henry Mtg: Bay State Federal Savings & Loan Assoc.	40000 Slope Easement	43.04	1650.00
11	Charles E. and Jane G. Cheever Ld. Ct. Cert. No. 36784 Book 184 Page 184	39300 Slope Easement	13.21	1750.00

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<u>Pcl. No.</u>	<u>Owner</u>	<u>Approximate Sq. Ft. Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
12	Frances R. White	10400 Slope Easement	13.99	400.00
13	Albert P. Nelson Mtg: Dedham Inst. for Savings	9800 Slope Easement	13.18	500.00
18	Pascal and Cecile D. Lévesque Ld. Ct. Cert. #79213 Book 397, Page 13 Mtg: The Needham Coop. Bank	7805 Slope Easement	10.50	275.00
19	Frances R. White	1350 Slope Easement	1.82	None
20	Ralph S. and Hazel M. Henry Mtg: Bay State Federal Savings & Loan Assoc.	4000	4.30	1850.00
21	John A. and Nancy D. Jensen Mtg: The Provident Inst. for Savings in the Town of Boston Frank G. Webster	1050 Slope Easement	1.41	50.00
22	Town of Medfield	7300 Slope Easement	-	None
23	Mary A. Schaeffer	1200 Slope Easement	5.94	50.00
24	Edmund M. and Peter B. Wheelwright Mtg: Medway Savings Bank	8100 Slope Easement	10.90	300.00
25	Edmund M. and Peter B. Wheelwright Mtg: Medway Savings Bank	1900 Slope Easement	2.56	75.00
26	Charles E. and Jane G. Cheever Ld. Ct. Cert. #36784 Book 184, Page 184	6400	2.15	25.00
27	Frances R. White	13450	18.09	100.00
			<u>\$301.20</u>	<u>\$9,450.00</u>

And having heard the proprietors of lands and property, right 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.

JAMES J. COLLINS

THOMAS K. MC MANUS

GEORGE B. MC DONALD

COUNTY COMMISSIONERS

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

At a meeting of the County Commissioners, held at Dedham, on Tuesday, the eighteenth day of March, 1969, by adjournment of their December 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 MEDFIELD 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.

JAMES J. COLLINS

THOMAS K. MC MANUS

GEORGE B. MC DONALD

COUNTY COMMISSIONERS

A true copy. Attest: A. K. Kelly Clerk

Recorded Apr. 11, 1969 at 11h.02m.A.M.