

#515

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 eleventh day of May 1971, by adjournment of their April meeting next preceding: a notice of said meeting having been posted as required by law:

The petition of EDWARD C. FOX and others of FOXBOROUGH 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 FOXBOROUGH in said County, that common convenience and necessity require that the way known as DANIELS STREET, a public way in said town be relocated between West Street and Plainville Town Line 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 be relocated within the limits above specified.

Dated April 29, 1969

Board of Selectmen

Edward C. Fox
James F. Hennessey
N. Carl Annon

Witmore I. Turner
Louis A. Truax
Elizabeth M. Clarkin
Edna V. Sallie
Warren A. McKay
Alonzo A. Emery

This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, on the thirteenth day of October, 1970 by adjournment of their September meeting next preceding; a notice of said meeting having been posted as required by law; and the seventeenth day of November, 1970 and two-thirty o'clock in the afternoon at the Court House in Dedham were 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 of order of

Refer to plan No 1335-1971 Pl Book 2-28

notice thereon to be served upon the Clerk of the Town of FOXBOROUGH, 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 PATRIOT LEDGER, 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 seventeenth day of November, 1970 the Commissioners, James J. Collins, Thomas K. McManus, and George B. McDonald, met at the time and place specified in said order, when and where the petitioners appeared and the Town of FOXBOROUGH was represented by its Selectmen; and the said Commissioners 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 now the said Commissioners, by courses and distances, metes and bounds, do relocate said DANIELS STREET as prayed for in said petition.

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

The northerly line begins at a stone bound which is on the Town Line between Plainville and Foxborough; thence N-72-41-20-E a distance of 470.46 ft. to a stone bound; thence continuing on the same course a distance of 400.00 ft. to a stone bound; thence continuing on the same course a distance of 400.00 ft. to a stone bound; thence by a curve to the left with a radius of 4000.00 ft. a distance of 249.39 ft. to a stone bound; thence N-69-07-00-E a distance of 344.69 ft. to a stone bound.

The southerly line begins at a stone bound which is on

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the Town Line between Plainville and Foxborough; said bound being S-1-15-42-E a distance of 62.43 ft. from the first bound on the northerly line as above described; thence N-72-41-20-E a distance of 487.72 ft. to a stone bound; thence continuing on the same course a distance of 400.00 ft. to a stone bound; thence continuing on the same course a distance of 400.00 ft. to a stone bound; thence by a curve to the left with a radius of 4060.00 ft. a distance of 253.13 ft. to a stone bound; thence N-69-07-00-E a distance of 316.22 ft. to a stone bound; said bound being S-4-30-00-W a distance of 66.41 ft. from the last bound on the northerly line as above described.

The southerly line heretofore described 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 Daniels Street, Foxborough, between the Plainville Town Line and West Street, as made by the Norfolk County Commissioners by Return dated May 11, 1971. 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.

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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 the Inhabitants of the Town of Foxborough 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 FOXBOROUGH.

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 FOXBOROUGH.

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,

5.

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 Area Taken</u> | <u>Tax Allowance</u> | <u>Award</u> |
|-----------------|--|-------------------------------|----------------------|--------------|
| 1 | Alice S. Croke and John R. and Virginia VanderPyl | 9100 S.F. Slope Easement | \$3.69 | \$220.00 |
| 2 | Norman F. and Jeannette L. Daniels | 3600 S.F. Slope Easement | 2.35 | 90.00 |
| | Mtg: Manufacturers National Bank of Bristol County | | | |
| 3 | Peter J. S. and Frances Elizabeth Groce | 3340 S.F. Slope Easement | 4.18 | 80.00 |
| | Mtg: Foxborough Savings Bank | | | |
| 4 | Peter J. S. and Frances Elizabeth Groce | 2600 S.F. Slope Easement | 3.25 | 65.00 |
| | Mtg: Foxborough Savings Bank | | | |
| 5 | Peter J. S. and Frances Elizabeth Groce | 5300 S.F. Slope Easement | 15.81 | 130.00 |
| | Mtg: Foxborough Savings Bank | | | |
| 6 | Norman F. and Jeannette L. Daniels | 3850 S.F. Slope Easement | .85 | 95.00 |
| | Mtg: Manufacturers National Bank of Bristol County | | | |
| 7 | Alice S. Croke and John R. and Virginia VanderPyl | 9460 S.F. Slope Easement | 2.08 | 230.00 |
| | | | | |
| | | Total | \$32.21 | \$910.00 |

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 with six months from the date of possession.

JAMES J. COLLINS

THOMAS K. McMANUS

GEORGE B. McDONALD

COUNTY COMMISSIONERS

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

At a meeting of the County Commissioners, held at Dedham, on Tuesday, the eleventh day of May, 1971, 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 be filed, accepted and recorded, and that an attested copy thereof be transmitted to the Clerk of the Town of FOXBOROUGH 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. McMANUS

GEORGE B. McDONALD

COUNTY COMMISSIONERS

A true copy. Attest C. R. Johnson ^{Deputy} Clerk

Recorded May 19, 1971 at 2h.13m.P.M.