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See Re No 928-1973 Re Board 233

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-sixth day of June, 1973: a notice of said meeting having been posted as required by law:

The petition of N. CARL ANNON 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 the layout and relocation of a public way in said town, over the discontinued existing way between opposite about Station 30 and opposite about Station 44 as shown on the November 23, 1971 County Commissioners' relocation of West Street, Foxborough for the purpose of establishing the boundary lines of said way.

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

Dated January 25, 1972

N. Carl Annon
Gerald R. Rodman
James F. Hennessey
Marlene Wurster
Ada M. White

Louis A. Truax
Joseph E. Donovan, Jr.
Thelma J. MacNeill
Edwin T. Donovan

This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, on the eighth day of May, 1973 by adjournment of their April meeting next preceding; a notice of said meeting having been posted as required by law; and the fifth day of June, 1973 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 notice thereon to be served upon the Clerk of the Town of FOXBOROUGH, being the town

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within which such layout and 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 fifth day of June, 1973 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 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 public convenience and necessity require that the said way be laid out as prayed for in said petition.

And now the said Commissioners, James J. Collins, Thomas K. McManus and George B. McDonald, by courses and distances, metes and bounds, do lay out and relocate said way as prayed for in said petition.

And the lines of said layout and relocation of said way are as follows:

The northeasterly line begins at a stone bound which is on the northeasterly line of West Street as laid out by the Norfolk County Commissioners by return dated November 23, 1971; thence northeasterly and easterly by a 340.00 ft. radius curve 332.06 ft. to a stone bound; thence S-64-30-20-E, 227.69 ft. to a stone bound; thence to the right by a 340.00 ft. radius curve 148.22 ft. to a stone bound; thence to the left by a 40.00 ft. radius curve 56.57 ft. to a stone bound which is on the northerly side of Mill Street; thence S-38-49-40-E, 40.42 ft. to a stone bound which is

on the southerly side of Mill Street; thence southwesterly and southeasterly by a 40.00 ft. radius curve 63.54 ft. to a stone bound; thence S-31-34-55-E, 378.90 ft. to a stone bound; thence S-34-10-00-E, 330.32 ft. to a stone bound.

The southwesterly line begins at a stone bound which is on the northeasterly line of West Street as laid out by the Norfolk County Commissioners by return dated November 23, 1971, said bound being S-30-27-48-E, 40.00 ft. from the first bound on the northeasterly line as above described; thence northeasterly and easterly by a 300.00 ft. radius curve 292.99 ft. to a stone bound; thence S-64-30-20-E, 227.69 ft. to a stone bound; thence to the right by a 300.00 ft. radius curve 172.39 ft. to a stone bound; thence S-31-34-55-E, 447.34 ft. to a stone bound; thence S-34-10-00-E, 211.07 ft. to a stone bound which is on the northeasterly line of West Street as laid out by the Norfolk County Commissioners by return dated November 23, 1971; thence by said northeasterly line of West Street S-34-10-00-E, 120.15 ft. to a stone bound, said bound being S-55-50-00-W, 40.00 ft. from the last bound on the northeasterly line as above described.

The southwesterly line heretofore described, in general, is 40.00 ft. southwesterly from and parallel to the northeasterly line.

And the said Commissioners do hereby take for 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 Layout and Relocation of a Way in Foxborough between opposite Station 30 and opposite Station 44 of the 1971 County Relocation of West Street, as made by the Norfolk County Commissioners by Return dated June 26, 1973. Horizontal Scale: 1 inch = 40 Feet. Vertical Scale: 1 inch = 8 feet. Alvah L. Downs, 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

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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.

And permanent stone bounds will be erected at the termini and angles of the way laid out and 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 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 twenty-six (26) 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 layout and 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 have 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 Area Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
1	E. Marion Daniels	Slope Easement	-	None
2	James D. and Shirley M. Ware	80 S.F. Slope Easement	\$.16	\$1.00
	Mtg: Mansfield Co-operative Bank			
2A	Earle M. and Thalia M. Ferguson	Slope Easement	-	None
	Mtg: Foxboro Federal Savings and Loan Association			
3	Gresham M. and Constance Smith	840 S.F. Slope Easement	1.42	16.80
	Mtg: Sharon Co-operative Bank			
4	Norman L. and Crystal F. Hathaway	230 S.F. Slope Easement	1.13	4.00
5	Norman L. and Crystal F. Hathaway	830 S.F. Slope Easement	4.07	400.00

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<u>Pcl. No.</u>	<u>Approximate Area Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
6	Thomas D. and Eliane M. Trask 730 S.F. Slope Easement	\$ 2.51	\$1,500.00
	Mtg: The Provident Institution for Savings in the Town of Boston		
7	Anne Sasso 200 S.F. Slope Easement	.08	4.00
	Mtg: Canton Institution for Savings		
8	George S. and Josephine A. Dello Russo 570 S.F. Slope Easement	2.02	11.40
	Mtg: The Attleborough Savings Bank		
9	Leslie L. White 490 S.F. Slope Easement	.14	9.80
9A	Leslie L. White Slope Easement	-	None
9B	Edward A. and Roberta P. McIntyre Slope Easement	-	None
	Mtg: Attleborough Savings Bank		
9C	Albert J. and Margaret Harrison Slope Easement	-	None
	Mtg: Mansfield Co-operative Bank		
10	Arthur M., Jr. and Frances M. Budlong 350 S.F. Slope Easement	.73	7.00
	Mtg: Mansfield Co-operative Bank		
11	Edward J. and Jennie V. Rochelle 1,240 S.F. Slope Easement	3.29	1,500.00
	Mtg: Mansfield Co-operative Bank		
12	Peter F., Brenda and Cheryl K. Eakors 1,180 S.F. Slope Easement	5.81	23.60
	Mtg: Foxborough Savings Bank		
13	Douglas I. Daniels 2,880 S.F. Slope Easement	1.53	57.60
	Total	\$22.89	\$3,535.80

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 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 twenty-sixth day of June, 1973, 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 way 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. A. Thompson* Deputy Clerk

Recorded July 20, 1973 at 9h. A. M.

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