

COMMONWEALTH OF MASSACHUSETTS

#592

NORFOLK, SS.

At a meeting of the County Commissioners for the County of Norfolk, held at Dedham, within and for said County, on the sixteenth day of October 1973, by adjournment of their September meeting next preceding: a notice of said meeting having been posted as required by law:

The petition of ROBERT E. FRAZIER and others of BRAINTREE 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 BRAINTREE in said County, that common convenience and necessity require that the way known as WASHINGTON STREET, a public way in said town, be relocated between Pearl St. (South Braintree Square) and Franklin Street for the purpose of Relocating and Widening.

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

Dated July 31, 1972

Robert E. Frazier
Donald J. Laing
Carl R. Johnson, Jr.
Charles J. Kelley

Charles R. Furlong
Herbert B. Hollis
John H. Frazier
Herbert J. Albee

Chairman, Board of Selectmen
Clerk, Board of Selectmen
Member, Board of Selectmen
Chairman, Washington St.
Widening Study Committee
Member, Washington St.
Widening Study Committee
Member, Washington St.
Widening Study Committee
Member, Washington St.
Widening Study Committee
Member, Washington St.
Widening Study Committee

This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, aforesaid, on the third day of April, 1973 by adjournment of their December meeting next preceding; a notice of said meeting having been posted as required by law; and the twenty-second day of May, 1973, and two-thirty o'clock in the afternoon at the Court House

See P & M 1501-1973 P & Book 240

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 BRAINTREE, being the town within which such relocation 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 and place 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 twenty-second day of May, 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 BRAINTREE was represented by its Selectmen; and the said Commissioners then viewed the route and premises and heard all persons and corporations interested; and thereupon the 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 a meeting of the Commissioners held at Dedham, on the twelfth day of June, 1973 by adjournment of their April meeting next preceding, a notice of said meeting having been posted as required by law: when and where upon the adjudication aforesaid, the Commissioners appointed the twenty-fourth day of July, 1973 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 said Commissioners, by courses and distances, metes and bounds, do relocate said Washington Street as prayed for in said petition.

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

The northerly line begins at a stone bound which is on the easterly line of Franklin Street as laid out by the Massachusetts Department of Public Works on December 15, 1925, said bound being southerly 606.18 ft. from a stone bound on said easterly line of Franklin Street; thence southeasterly and northeasterly by a 50.00 ft. radius curve 83.14 ft. to a stone bound; thence N-65-06-20-E, 82.50 ft. to a stone bound; thence to the left by a 25.00 ft. radius curve 36.82 ft. to a stone bound which is on the westerly line of Tremont Street; thence N-58-28-50-E, 42.46 ft. to a stone bound which is on the easterly line of Tremont Street; thence southeasterly and northeasterly by a 25.00 ft. radius curve 41.72 ft. to a stone bound; thence N-65-06-20-E, 60.28 ft. to a stone bound; thence N-18-11-30-W, 27.81 ft. to a stone bound; thence N-65-18-10-E, 66.96 ft. to a stone bound; thence N-21-08-00-W, 86.98 ft. to a stone bound; thence S-87-13-00-E, 36.05 ft. to a stone bound; thence N-68-59-40-E, 33.05 ft. to a stone bound; thence S-22-14-40-E, 95.30 ft. to a stone bound; thence N-65-06-20-E, 24.30 ft. to a stone bound; thence to the left by a 150.00 ft. radius curve 119.59 ft. to a stone bound which is on the westerly line of Washington Street as laid out by the Norfolk County Commissioners by return dated April 15, 1902, said bound being southerly 84.40 ft. from the northerly end of a 237.76 ft. radius curve on

said 1902 layout of Washington Street.

The southerly line begins at a stone bound which is on the easterly line of Washington Street as laid out by the Massachusetts Department of Public Works on November 24, 1925, said bound being S-19-37-30-E, 48.05 ft. and 29.80 ft., and southerly by a 77.70 ft. radius curve 74.10 ft. respectively from the first bound on the northerly line as above described; thence northerly and easterly by a 166.84 ft. radius curve 86.19 ft. to a stone bound; thence N-64-36-55-E, 64.49 ft. to a stone bound; thence N-65-06-20-E, 162.63 ft. to a spike; thence N-66-15-30-E, 36.42 ft. to a stone bound; thence S-65-30-30-E, 7.25 ft. to a stone bound which is on the westerly line of Hall Avenue; thence N-74-42-50-E, 22.00 ft. to a stone bound which is on the easterly line of Hall Avenue; thence northerly and easterly by a 10.00 ft. radius curve 14.35 ft. to a stone bound; thence N-66-15-30-E, 33.27 ft. to a stone bound; thence N-66-19-00-E, 47.52 ft. to an x-cut in concrete; thence N-77-22-50-E, 55.57 ft. to the corner of a building; thence N-88-56-40-E, 46.15 ft. to a stone bound which is on the westerly line of Hancock Street as laid out by the Norfolk County Commissioners by return dated June 9, 1953, said bound being S-9-21-50-E, 144.06 ft. from the last bound on the northerly line as above described.

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 herein before described and the grade thereof is established, all as shown upon a plan entitled "Plan and Profile showing the Relocation and Widening of WASHINGTON STREET, BRAINTREE, between Franklin Street and Pearl Street, as made by the Norfolk County Commissioners by Return dated October 16, 1973 . Horizontal Scale: 1 inch = 20 feet. Vertical Scale: 1 inch = 4 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 General Laws, and all acts

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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 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 BRAINTREE 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-six (36) 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 BRAINTREE.

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 BRAINTREE.

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 Area Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
1	Town of Braintree	2030 S.F. Slope Easement	-	\$ 400.00
2	Adeline and Rita I. Bardetti	1520 S.F. Slope Easement	50.44	3,200.00
3	Carroll F. Daiute Arlene O. Curran, Lessee	2949 S.F.	372.19	23,000.00
4	Norman S. Koffman, Trustee of the Norman S. Koffman Realty Trust	7559 S.F.	478.61	18,000.00
5	Lizzie M. Spring et al	120 S.F.	-	150.00
6	Torrey Pharmacy, Inc. Mtg: The Braintree Co- operative Bank Mtg: South Shore National Bank	580 S.F. Slope Easement	26.17	1,400.00
7	Joseph A. Zanghi	16 S.F.	.72	45.00
8	Paulena Bazelia Mtg: The Braintree Co- operative Bank	15 S.F.	.68	45.00
		Totals	<u>\$928.81</u>	<u>\$46,240.00</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 four months from the date of possession.

JAMES J. COLLINS

THOMAS K. McMANUS

COUNTY COMMISSIONERS

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

At a meeting of the County Commissioners held at Dedham, on Tuesday, the sixteenth day of October, 1973 by adjournment of their September meeting next preceding, a notice of said meeting having been posed 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 BRAINTREE 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

COUNTY COMMISSIONERS

A true copy.

Attest: C. A. Thompson, Deputy Clerk Clerk

Recorded Oct. 18, 1973 at 2h. 53m. P. M.