

BK 5106

#593

COMMONWEALTH OF MASSACHUSETTS

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NORFOLK, ss.

At a meeting of the County Commissioners for the County of Norfolk, held at Dedham, within and for said County, on the ninth day of September 1975, by adjournment of their June meeting next preceding: a notice of said meeting having been posted as required by law:

The petition of DONALD J. LAING 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 NORTH STREET, a public way in said town, be relocated between Granite Street and Yankee Division Highway (Route 120) 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 may be relocated within the limits above specified.

Dated March 6, 1974

- Donald J. Laing
- Carl R. Johnson, Jr.
- Robert E. Frazier
- Dace J. Moore
- Walter C. Kirkland

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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 twenty-sixth day of March 1974, by adjournment of their December meeting next preceding; a notice of said meeting having

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been posted as required by law; and the twenty-third day of April, 1974 and ten-thirty o'clock in the morning at the Court House in said 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 Braintree, 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 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-third day of April, 1974, 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 John F. Fehan, Executive Secretary to the Board of Selectmen; and the said Commissioners then viewed the route and premises, and heard all persons and corporations interested; 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 a meeting of the Commissioners held at Dedham on

the tenth day of September, 1974, by adjournment of their June meeting next preceding, a notice of said meeting having been posted as required by law: when and where upon the adjudication aforesaid, the Commissioners, James J. Collins, Thomas K. McManus, and George B. McDonald, appointed the fifteenth day of October, 1974 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 NORTH STREET as prayed for in said petition.

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

The northerly line of NORTH STREET begins at a stone bound which is on the easterly line of Granite Street as laid out by the Massachusetts Department of Public Works on May 14, 1957, said bound being 33.91 ft. northerly of a Massachusetts highway

bound on said easterly line of Granite Street; thence N-73-40-23-E, 122.49 ft. to a stone bound; thence N-1-23-28-W, 15.09 ft. to a stone bound; thence N-87-33-50-W, 4.24 ft. to a stone bound; thence N-6-39-26-E, 37.93 ft. to a stone bound; thence S-83-20-34-E, 205.50 ft. to a drill hole in a stone wall.

The southerly line begins at a stone bound which is on said easterly line of Granite Street as laid out by the Massachusetts Department of Public Works on May 14, 1957, said bound being S-3-50-42-W, 33.91 ft. and S-26-25-22-E, 23.53 ft. respectively by said easterly line of Granite Street from the first bound on the northerly line as above described; thence N-73-40-23-E, 291.86 ft. to a stone bound; thence S-83-20-34-E, 27.56 ft. to a stone bound, said bound being S-8-17-22-W, 40.02 ft. from the drill hole in a stone wall 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 hereinbefore described, and the grade thereof is established, all as shown upon a plan entitled "Plan and Profile showing the relocation and widening of North Street, Braintree, between Granite Street and Yankee Division Highway, as made by the Norfolk County Commissioners by return dated September 9, 1975. 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 General Laws and all acts and amendments thereof and in addition thereto.

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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 all portions of the existing highway, between Granite Street and Yankee Division Highway, lying outside the lines herein established are hereby discontinued and that the portion of the existing highway laying within the area designated as parcel 6 on the plan hereinbefore described is herewith discontinued, but only to its use of travel for highway purposes. And the Commissioners do herewith retain, take and lay out easements, in said parcel 6, for the benefit of, and on behalf of, the Town of Braintree, for the purposes of constructing, maintaining, and repairing of any and all present or future municipal utilities, including sewer, water, drains, and all other types of utilities, and said premises shall be restored to a condition comparable to its former condition subsequent to any such construction or repair.

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 twenty-four (24) 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>Owner</u>           | <u>Sq. Ft. Taken</u> | <u>Tax Allowance</u> | <u>Award</u> |
|-----------------|------------------------|----------------------|----------------------|--------------|
| 1               | Howard Johnson Company | 6742                 | \$525.32             | None         |
| 2               | Howard Johnson Company | 4824                 | <u>371.57</u>        | None         |
| Total           |                        |                      | \$896.89             |              |

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 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 ninth day of September 1975, 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 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

GEORGE B. McDONALD

COUNTY COMMISSIONERS

A true Copy.

Attest: *John S. Baker* Clerk

Recorded Oct.3,1975 at 9h.20m.A.M.