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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 sixteenth 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 PAUL M. DeBAGGIS and others of FRANKLIN 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 FRANKLIN in said County, that common convenience and necessity require that the way known as BEAVER STREET, a public way in said town, be relocated between a point about 200 ft. westerly of Union Street and Union Street for the purpose of acquiring temporary slope and construction easements.

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

Dated May 8, 1975

Paul M. DeBaggis  
Chairman  
Albert R. Brunelli  
Herbert A. Vendetti  
Alfred A. Mucciarone  
Chairman  
Lawrence W. Bassick  
Angelo M. Arcaro

Selectmen  
Selectman  
Selectman  
Bd. of Public Works  
B.P.W.  
B.P.W.

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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 thirteenth day of May 1975, by adjournment of their April

REF PL # 683 of 1975 PL BK 251

meeting next preceding; a notice of said meeting having been posted as required by law; and the third day of June, 1975 and two-thirty o'clock in the afternoon at the Franklin Sr. High School in said Franklin 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 FRANKLIN, 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 SENTINEL, 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 third day of June, 1975 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 FRANKLIN 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 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 this meeting.

And now the said Commissioners do hereby take for Highway purposes temporary easements in lands adjoining the location of said BEAVER STREET as previously established, consisting of the right to construct slopes, walls, retaining walls, walks, steps, drives, fences, curbing and railing between the lines of location of said way and the limit of easement, all as shown upon a plan entitled "Plan showing Easement Takings on Beaver Street, Franklin between a point about 200 feet Westerly of Union Street and Union Street as made by the Norfolk County Commissioners by Return dated September 16, 1975. Scale: 1 inch = 20 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.

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

And it is determined by the Commissioners that the Inhabitants of the Town of FRANKLIN 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 (30) feet in width.

Suitable sidewalks, gutters, culverts, slopes, walls, retaining walls, walks, steps, drives, fences, curbing 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 FRANKLIN.

And it is determined by the Commissioners that all the expense of taking the temporary easements prescribed in this Return and Order, including the expense of constructing and maintaining said way, and all land and other damages and expenses incident thereto be paid by the Inhabitants of the Town of FRANKLIN.

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>Approximate Area Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
1	William L., Jr. and Marilyn L. McDonald  Mtg: Natick Federal Savings and Loan Association	Temp.Easement	-	\$15.00
2	Roman Catholic Archbishop of Boston  Land Court Cert. No. 45875 Book 230 Page 75	Temp.Easement	-	20.00
3	Ernest M. Kapatoes, Jr. Trustee of Keryl Realty Trust  Mtg: Medway Savings Bank Mtg: Greenleaf Finance Incorporated	Temp.Easement	-	305.00
<b>Total</b>				<u>\$340.00</u>

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 three months from the date of possession for the purpose of constructing said way.

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 sixteenth 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 FRANKLIN 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 R. Baker* Clerk

Recorded Oct. 3, 1975 at 9h. 37m. A. M.

