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[COPY]

No. 1682

COUNTY COMMISSIONERS

PAUL M DeBAGGIS

and others

PETITIONERS FOR

RELOCATION

of

PLEASANT

Street

in the Town of

FRANKLIN

Return and Order of Taking  
for Highway Purposes

Dated September 16, 1975

Norfolk County Registry District  
RECEIVED FOR REGISTRATION

OCT - 3 1975

9 O'CLOCK 46m A

NOTED ON CERTIFICATE NO. 51849  
IN REGISTRATION BOOK 260 PAGE 49

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 PLEASANT STREET, a public way in said town, be relocated at its intersection with Main Street 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 April 11, 1975

Paul M. DeBaggis  
Albert R. Brunelli  
Herbert A. Vendetti  
Alfred A. Muccliarone  
Angelo M. Arcaro  
Lawrence W. Bassick  
Robert J. Evans  
Heion L. Walsh  
James H. Nash

Chairman  
Board of Selectmen  
Board of Selectmen

Chairman B.P.W.  
Member B.P.W.  
Vice Chairman B.P.W.  
Chairman Planning Board  
Member Planning Board  
Member Planning Board

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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 meeting next preceding; a notice of said meeting having been posted as required by law; and the third day of June, 1975 and two-forty o'clock in the afternoon at the Franklin St. 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 Commissioners, James J. Collins, Thomas K. McManus, and George B. McDonald, by courses and distances, metes and bounds, do relocate said PLEASANT STREET as prayed for in said petition.

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

The southerly line of Pleasant Street begins at a stone bound which is on the southerly line of Pleasant Street as laid out by the Norfolk County Commissioners by return dated December 1889, said bound being 887.51 ft. westerly of a stone bound on said southerly line of Pleasant Street; thence southwesterly and southerly by a 45.00 ft. radius curve, 54.28 ft. to a stone bound which is on the easterly line of Main Street, said bound being northerly 42.38 ft. from an angle point in said easterly line of Main Street.

And the said Commissioners do hereby take for the purposes of a highway all the easements and rights incident to a public highway in the lands included between the above-described line, the southerly line of Pleasant Street as laid out by the Norfolk County Commissioners by return dated December 1889 and Main Street, all as shown upon a plan entitled "Plan showing the relocation and widening of Pleasant Street, Franklin, at its intersection with Main 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.

And the said Commissioners do likewise make temporary easements in lands adjoining the location of said way as hereby established, consisting of the right to construct slopes, walls, retaining walls, walks, steps, drives, fences, curbing and railing between the lines of said location and the limit of easement as shown 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 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-four (34) feet in width.

Suitable sidewalks, gutters, culverts, slopes, walls, retaining walls, walks, steps, drives, fences, curbing and railings 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 making the relocation of way 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	Roman Catholic Archbishop of Boston Land Court Cert. No. 51849 Book 260 Page 49	173 S.F. Temp. Easement	.	\$110.00

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.

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: *[Signature]* Clerk