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COMMONWEALTH OF MASSACHUSETTS

731

NORFOLK, ss.

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

The petition of LOUIS A. TRUAX 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 that the way known as OAK STREET, a public way in said town, be relocated between Station 6 and Station 42 for the purpose of acquiring temporary construction easements and/or drain easements.

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

Dated July 24, 1975

Louis A. Truax
Edward C. Fox
Carole A. Burns
Kevin J. O'Sullivan

Robert W. Conkey
Stephen Hickox
Donald E. A. Montgomery, M.D.
Harold W. Blomberg

This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, 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; and the seventh day of October 1975 and

REF PL # 922 of 1975 PL BK 251

two-thirty o'clock in the afternoon 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 FOXBOROUGH, 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 seventh day of October, 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 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 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 OAK STREET as previously established, consisting of, but not limited hereto, the right to construct slopes, walls, retaining walls, walks, steps, drives, fences, curbing, railing, remove trees and any and all other things that may be reasonably necessary to accomplish the purposes of this order of taking 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 Oak Street, Foxborough between Station 6 and Station 42 as made by the Norfolk County Commissioners by Return dated November 18, 1975. Scale: 1 inch = 40 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 the said Commissioners do likewise further take for the purpose of properly draining said way all the easements and rights in Parcels 9, 10, 11, 22 and 25 as indicated on said plan, being more fully described as follows:

Beginning at a point on the westerly line of Oak Street as laid out by the Norfolk County Commissioners by return dated November 18, 1952; said point being about 85 ft. northerly of a stone bound opposite station 23+68.89; thence N-77-18-20-W, 20.00 ft. to a point; thence N-12-41-40-E, 40.00 ft. to a point; thence

S-77-18-20-E, 20.00 ft. to a point on said westerly line of Oak Street; thence by said westerly line of Oak Street S-12-41-40-W, 40.00 ft. to the point of beginning. Being shown as Parcel 9 on said plan.

Beginning at a point on the westerly line of Oak Street as laid out by the Norfolk County Commissioners by return dated November 18, 1952; said point being about 246 ft. northerly of a stone bound opposite station 23+68.89; thence N-77-18-20-W, 20.00 ft. to a point; thence N-12-41-40-E, 40.00 ft. to a point; thence S-77-18-20-E, 20.00 ft. to a point on said westerly line of Oak Street; thence by said westerly line of Oak Street S-12-41-40-W, 40.00 ft. to the point of beginning. Being shown as Parcels 10 and 11 on said plan.

Beginning at a point on the easterly line of Oak Street as laid out by the Norfolk County Commissioners by return dated November 18, 1952; said point being about 239 ft. northerly of a stone bound opposite station 23+68.89; thence S-77-18-20-E, 20.00 ft. to a point; thence N-12-41-40-E, about 37 ft. to a point; thence in a westerly direction about 20 ft. to a point on said easterly line of Oak Street; thence by said easterly line of Oak Street S-12-41-40-W, 40.00 ft. to the point of beginning. Being shown as Parcel 22 on said plan.

Beginning at a point on the easterly line of Oak Street as laid out by the Norfolk County Commissioners by return dated November 18, 1952; said point being about 92 ft. northerly of a stone bound opposite station 23+68.89; thence S-77-18-20-E, 20.00

ft. to a point; thence N-12-41-40-E, 40.00 ft. to a point; thence N-77-18-20-W, 20.00 ft. to a point on said easterly line of Oak Street; thence by the said easterly line of Oak Street S-12-41-40-W, 40.00 ft. to the point of beginning. Being shown as Parcel 25 on said plan.

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 thirty-six (36) 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 FOXBOROUGH.

And it is determined by the Commissioners that all the expense of making the relocation of way as prescribed in this Return and Order, including the expenses 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 said Commissioners have heard the proprietors of lands and property, rights and interests, taken or affected by these proceedings, and have considered and estimated 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 the General Laws, Chapter 79, possession becoming effective upon the recording of this Return and Order of Taking in the Norfolk County Registry of Deeds.

<u>Pcl. No.</u>	<u>Owners</u>	<u>Approximate Area Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
1	Bradley R. and Jeannette E. Baker	Temp.Easement	-	\$50.00
2	Edwin E. and Jane P. Baldwin Land Court Cert. No. 79807 Book 400 Page 7 Mtg: Benjamin Franklin Savings Bank	Temp.Easement	-	16.00
3	Eugene T. and Constance H. Blagden Land Court Cert. No. 94390 Book 472 Page 190 Mtg: Foxboro Federal Savings and Loan Association	Temp.Easement	-	21.00
4	Bruce A. Mosher	Temp.Easement	-	20.00
5	Herbert A. and Elizabeth J. Mosher Mtg: Foxboro Federal Savings and Loan Association	Temp.Easement	-	34.00

<u>Pcl. No.</u>	<u>Owners</u>	<u>Approximate Area Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
6	Bruce A. Mosher	Temp.Easement	-	\$40.00
7	William J., III and Rose M. Murray	Temp.Easement	-	44.00
	Mtg: Foxboro Federal Savings and Loan Association			
8	Albert L. and Ruth M. Bryant	Temp.Easement	-	105.00
9	Albert L. and Ruth M. Bryant	800 S.F.	1.78	
10	Albert L. and Ruth M. Bryant	440 S.F.	0.98	
11	Edward F. and Alice M. Sheehan	360 S.F.	1.05	105.00
12	Edward F. and Alice M. Sheehan	Temp.Easement	-	
13	Warren C. and Carroll L. Brown	Temp.Easement	-	17.00
	Mtg: Benjamin Franklin Savings Bank			
14	Harvey S. and Nettie F. Kay	Temp.Easement	-	42.00
	Mtg: Foxboro Federal Savings and Loan Association			
15	Roy O. Greep	Temp.Easement	-	31.00
	Robert E. and Janet M. Gauthier	None		
	Mtg: Bay State Federal Savings and Loan Association			
	Mtg: Prudall Associates, Inc.			
	Mtgs: Avco Delta Mortgage Corporation			
	Mtg: The Avco Financial Services Trust			
16	Carol T. Piona	Temp.Easement	-	3.00
17	Albert H., Jr. and Barbara F. Mooney	Temp.Easement	-	51.00
	Mtg: Bay State Federal Savings and Loan Association			
18	Edward G. and Janice A. Jenkins	Temp.Easement	-	37.00
	Mtg: Worcester County Institu- tion for Savings			

<u>Pcl. No.</u>	<u>Owners</u>	<u>Approximate Area Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
19	Carolyn J. Tomershea Mtg: Bay State Federal Savings and Loan Association	Temp.Easement	-	\$80.00
20	Wallace W. and Carol V. Read Mtg: Foxborough Savings Bank Town of Foxborough	Temp.Easement None	-	None
22	Stephen A. and Sally C. Sacchetti Mtg: Foxborough Savings Bank	770 S.F.	5.30	167.00
23	Stephen A. and Sally C. Sacchetti Mtg: Foxborough Savings Bank	Temp.Easement	-	
24	Herbert H. and Hazel M. Seltsam Mtg: Walpole Co-operative Bank	Temp.Easement	-	95.00
25	Herbert H. and Hazel M. Seltsam Mtg: Walpole Co-operative Bank	800 S.F.	3.16	
26	Herbert H. Seltsam	Temp.Easement	-	12.00
27	Katherine H. Downs	Temp.Easement	-	33.00
28	Dorothy A. Peters Mtg: Sharon Co-operative Bank	Temp.Easement	-	78.00
29	Robert T. and Jan F. Klos Mtg: Home Savings Bank Mtg: Sharon Credit Union	Temp.Easement	-	9.00
30	Herbert H. Seltsam	Temp.Easement	-	5.00
34	Herbert H. Seltsam	Temp.Easement	-	
31	Richard L. Brennan, Maureen A. Brennan and Michele Acerra Mtg: Home Savings Bank	Temp.Easement	-	27.00

<u>Pcl. No.</u>	<u>Owners</u>	<u>Approximate Area Taken</u>	<u>Tax Allowance</u>	<u>Award</u>
32	John R. and Catherine M. Aylward	Temp.Easement	-	\$ 8.00
33	Maurice L. and Viola E. Foren	Temp.Easement	-	44.00
35	Ralph E., Jr. and Linda L. DeGrafft	Temp.Easement	-	20.00
	Mtg: Foxboro Federal Savings and Loan Association			
36	Mary L. Stewart	Temp.Easement	-	60.00
	Mtg: The Provident Institution for Savings in the Town of Boston			
	Mtg: Foxborough Savings Bank			
37	Karl L. and Carol A. Dadmun	Temp.Easement	-	26.00
	Mtg: Wrentham Co-operative Bank			
	James L. and Rose B. Stark	None		
	Mtg: Walpole Co-operative Bank			
		Total	\$12.27	\$1,280.00

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 two months from the date of possession for the purpose of constructing said way; and if they shall not be so removed, the Commissioners shall have the option to do so.

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, November 18, 1975, by adjournment of their September 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 FOXBOROUGH, within the limits of which said highway described therein lies, that the same may be recorded by said Clerk, within ten days, in the book or records kept in said town for that purpose.

JAMES J. COLLINS

THOMAS K. McMANUS

GEORGE B. McDONALD

COUNTY COMMISSIONERS

A true Copy.

Attest: Emanuel W. Shochan ^{2 SS} Clerk

Recorded Dec. 5, 1975 at 10h. 07m. A.M.