

#613

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 23rd day of March, 1977 by adjournment of their December 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 COMMON STREET, a public way in said town, be relocated between Granite Street and a point about 1300 feet easterly for the purpose of making alterations in the course or width of said way.

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

Dated: October 4, 1976

Robert E. Frazier
Carl R. Johnson
Donald J. Laing
Board of Selectmen

Anthony J. Mollica
William J. Dignan

This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, on the first day of December, 1976 by adjournment of their September meeting next preceding; and a notice of said meeting having been posted as required by law; and the twenty-ninth day of December, 1976 at ten forty-five o'clock in the morning at the Court House

REF to PL# 186 of 1977 PL BK 259

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 appointed for said view, that all persons and corporation interested for or against said petition, might then and there appear and be heard if they saw fit.

And on the said twenty-ninth day of December, 1976 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 including representatives of the abutters to said proposed relocation as more particularly appears in the minutes of the meetings of said Commissioners; and no party interested objected and that representatives of the abutters to said proposed relocation requested approval as more particularly appears in the minutes of the meetings of said Commissioners; 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, by courses and distances, metes and bounds, do relocate said COMMON STREET as prayed for in said petition.

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

Page Three

Beginning at a stone bound at the southerly corner of the parcel hereinafter described which stone bound is located on the State Highway Layout of May 14, 1957, thence running by a curved line the radius of which is 50.00 feet, a distance of 91.25 feet to another stone bound; thence running N62°--9'-30"E a distance of 139.61 feet to a stone bound; thence turning and running N35°-30'-00"W, a distance of 283.44 feet to a stone bound; thence running by a curved line the radius of which is 577.34 feet, a distance of 102.44 feet to a stone bound; thence running by another curved line the radius of which is 474.00 feet, a distance of 266.11 feet to a stone bound; thence running by another curved line the radius of which is 204.00 feet, a distance of 285.98 feet to a stone bound; thence running N66°-49'-16E, a distance of 85.09 feet to a stone bound; thence turning and running by a curved line the radius of which is 186.42 feet, a distance of 47.42 feet to a stone bound; thence turning and running N23°-10'-44"W, a distance of 76.00 feet; thence turning and running generally southwesterly by the State Layout of December 3, 1957; thence in a curved line running generally southwesterly and southerly by the State Highway Layout of May 14, 1957; thence running generally in a southeasterly direction by the State Highway Layout of October 15, 1957 and the State Highway Layout of May 14, 1957 to the point of beginning (the last three courses being also the same as the County Layout of November 18, 1958). All of the aforesaid being shown on the Plan and Profile showing the Relocation of Common Street, Braintree between Granite Street and a point about 1300 feet Easterly of Granite Street as made by the Norfolk County Commissioners by Return dated March 23, 1977, Alvah L. Downs, County Engineer, signed by Thomas K. McManus, Acting Chairman and recorded herewith.

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 on the aforesaid plan 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 in addition thereto.

Page Four

Permanent stone bounds will be erected at the termini and angles of said way relocated as foresaid.

And it is determined by the Commissioners that all portions of the existing highway lying outside the lines herein established are retained in fee but are hereby discontinued only as to its use to travel for highway purposes in order that the fee therein may be conveyed free from highway purposes. And the Commissioners do herewith retain, take and layout an easement for the benefit 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, electricity, telephone and all other types of utilities in said discontinued portions.

And it is determined by the Commissioners that SCIT, Inc. of Braintree, Massachusetts shall, within two (2) years from the date of this Return and Order, complete said way in a thorough and good workmanlike manner and to the acceptance of the County Commissioners in accordance with their agreement on file with the official records of the County Commissioners.

The travelled part of said way shall be constructed not less than forty (40) feet in width.

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 of said way, and all land and other damages and expenses incident thereto, shall be paid by SCIT, Inc. of Braintree, Massachusetts.

Page Four-A

And the Commissioners have heard the proprietors of lands and property, rights and interest, taken or affected by these proceedings and they have accepted the representations made by representatives of SCIT, Inc. and Federated Department Stores, Inc. that the assent hereto, as is more particularly contained in the Commissioners' minutes, 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 properties of said parties in the premises, and considering the requests and assents 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>Area Taken</u>	<u>Award</u>
SCIT, Inc. Land Court Cert. No. 64295 Book 322 Page 95	None	None
Federated Department Stores, Inc. Land Court Cert. No. 64296 Book 322 Page 96	None	None
SCIT, Inc. Land Court Cert. No. 65125 Book 326 Page 125	None	None

James J. Collins

Thomas K. McManus

Thomas K. McManus

George B. McDonald

George B. McDonald

COUNTY COMMISSIONERS

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

At a meeting of the County Commissioners held at Dedham, on Wednesday, the 23rd day of March, 1977, by adjournment of their December 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

THOMAS K. McMANUS

George B. McDonald

GEORGE B. McDONALD

COUNTY COMMISSIONERS

A true Copy.

Attest: *Joseph P. Carrara* Clerk

Recorded Apr. 4, 1977 at 2h. 34m. P. M.