

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 twenty-third day of March, 1988 by adjournment of their December meeting next preceding: a notice of said meeting having been posted as required by law:

The petition of David B. Lomasney and others of the Town of Plainville 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 PLAINVILLE in said County, that common convenience and necessity require that the way known as SCHOOL STREET, a public way in said town, be relocated between Evergreen Road and George Street for the purpose of acquiring permanent drain easements and temporary construction easements.

WHEREFORE YOUR PETITIONERS PRAY that said way may be relocated within the limits above specified.

Dated September 2, 1986

- David B. Lomasney
- Ray P. Felix
- Richard Silveira
- Robert E. Hartnet
- Robert B. McAlice
- Ronald A. Fredrickson
- Joan F. Clarke

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This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, aforesaid, on the seventeenth day of September, 1986, by adjournment of their June meeting next preceding: a notice of said meeting having been posted as required by law: and the twenty-ninth day of October, 1986, and two-thirty o'clock in the

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afternoon at their Administration Offices, 614 High Street 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 PLAINVILLE, 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 Sun Chronicle, a newspaper published in Attleborough, said posting and publication having been seven days at least before the time 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-ninth day of October, 1986, the Commissioners, James J. Collins, George B. McDonald and David C. Ahearn, met at the time and place specified in said order, when and where the petitioners appeared, and the Town of PLAINVILLE was represented by it's Selectmen, and the said Commissioners then viewed the route and premises, and heard all persons and corporations interested; and thence the same was continued and adjourned to a meeting of the Commissioners held at Dedham on the fifth day of November, 1986, a notice of said meeting having been posted as required by law, at which time the said commissioners did adjudge that common convenience and necessity require that said way be relocated as prayed for in said petition and appointed the third day of December, 1986 and two-thirty o'clock in the afternoon at their Administration Offices, 614 High Street, in said 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 said Commissioners do hereby take for the purpose of properly draining said SCHOOL STREET as previously established, easements and rights in Parcels D1 through D7 as indicated on the plan hereinafter referred to, being more fully described as follows:

Beginning at a point on the northwesterly line of School Street as laid out by the Norfolk County Commissioners by return dated June 25, 1980, said point being opposite station 33+14.41; thence N-75°-34'-26"W, 30.00 ft. to a point; thence N-14°-25'-34"E, 20.00 ft to a point; thence S-75°-34'-26"E, 30.00 ft. to a point on said northwesterly line of School Street, said point being opposite station 33+34.41; thence southerly by said northwesterly line of School Street 20.00 ft. to the point of beginning. Being shown as Parcel D1-600 S.F. on said plan.

Beginning at a point on the northwesterly line of School Street as laid out by the Norfolk County Commissioners by return dated June 25, 1980, said point being opposite station 36+10.90; thence N-75°-28'-21"W, 30.00 ft. to a point; thence N-14°-25'-34"E, 20.00 ft. to a point; thence S-75°-28'-21"E, 30.00 ft. to a point on said northwesterly line of School Street,

said point being opposite station 36+30.90; thence southerly by said northwesterly line of School Street 20.00 ft. to the point of beginning. Being shown as Parcel D2-600 S,F, on said plan.

Beginning at a point on the northwesterly line of School Street as laid out by the Norfolk County Commissioners by return dated June 25, 1980, said point being opposite station 40+07.50; thence N-75°-07'-28"W, 20.00 ft. to a point; thence N-14°-52'-32"E, 30.00 ft. to a point; thence S-75°-07'-28"E, 20.00 ft. to a point on said northwesterly line of School Street, said point being opposite station 40+37.50; thence southerly by said northwesterly line of School Street 30.00 ft. to the point of beginning. Being shown as Parcel D3-600 S.F. on said plan.

Beginning at a point on the northwesterly line of School Street as laid out by the Norfolk County Commissioners by return dated June 25, 1980, said point being opposite station 47+98.25; thence N-74°-55'-11"W, 20.00 ft. to a point; thence N-14°-52'-32"E, 30.00 ft. to a point; thence S-74°-55'-11"E, 20.00 ft. to a point on said northwesterly line of School Street, said point being opposite station 48+28.25; thence southerly by said northwesterly line of School Street 30.00 ft. to the point of beginning. Being shown as Parcel D4-600 S.F. on said plan.

Beginning at a point on the northwesterly line of School Street as laid out by the Norfolk County Commissioners by return dated June 25, 1980, said point being opposite station 55+01.05; thence N-75°-07'-28"W, 25.00 ft. to a point; thence N-14°-52'-32"E, 410.00 ft. to a point; thence S-75°-07'-28"E, 25.00 ft. to a point on said northwesterly line of School Street, said point being opposite station 59+11.05; thence southerly by said northwesterly line of School Street 410.00 ft. to the point of beginning. Being shown as Parcel D5-10,250 S.F. on said plan.

Beginning at a point on the northeasterly line of George Street as laid out by the Norfolk County Commissioners by return dated March 5, 1963, said point being opposite station 21+13.42; thence N-54°-29'-50"E, 355.28 ft to a point; thence N-42°-03'-20"E, 63.68 ft. to a point; thence S-47°-56'-40"E, 30.00 ft. to a point; thence S-42°03'-20"W, 66.95 ft to a point; thence S-54°-29'-50"W, 352.52 ft to a point on said northeasterly line of George Street, said point being opposite station 20+82.82; thence northwesterly by said northeasterly line 30.60 ft. to the point of beginning. Being shown as Parcel D6-12,577 S.F. on said plan.

Beginning at a point on the southeasterly line of School Street as laid out by the Norfolk County Commissioners by return dated June 25, 1980, said point being opposite station 40+29.61; thence S-59°-07'-28"E, 87.22 ft. to a point; thence S-37°-07'-28"E, 379.92 ft to a point; thence S-52°-52'-32"W, 30.00 ft. to a point; thence N-37°-07'-28"W, 374.08 ft. to a point; thence N-59°-07'-28"W, 72.78 ft. to a point on said southeasterly line of School Street, said point being opposite station 39+98.40; thence northerly by said southeasterly line of School Street 31.21 ft. to the point of beginning. Being shown as Parcel D7-13,710 S.F. on said plan.

And the said Commissioners do likewise further take temporary easements in Parcels TE-1 through TE-20 inclusive, consisting of the right to construct slopes, walls, retaining walls, walks, steps, drives, fences, curbing, railing and remove trees and any other things that may be reasonably necessary to accomplish the purpose of the order of taking, all as shown upon a plan entitled "Plan Showing Easement Takings on School Street, Plainville between Evergreen Road and George

Street as made by the Norfolk County Commissioners by return dated March 23, 1988. 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 temporary 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 and recorded by the County Commissioners.

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 shall be paid out of the treasury of the Town of PLAINVILLE and should the County be put to any legal expense or any other expense relating to damages, or any further damages be recovered, they shall be paid out of the treasury of said town.

And the said Commissioners have heard the proprietors of lands and property, rights and interest, taken or effected 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 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>Owners</u>	<u>Approximate Area Taken</u>	<u>Award</u>
B1	Joan Fredrickson	600 S.F.	\$571.00
D2	Donald F. Jordan Mtg: Walpole Cooperative Bank	600 S.F.	571.00
D3	New England Power Company Mtg: Shawmut Bank of Boston N.A. and New England Merchants National Bank Trs.	600 S.F.	76.00
D4	St. Patrick's Religious Educational and Charitable Association of Massachusetts	600 S.F.	408.00
D5	St. Patrick's Religious Educational and Charitable Association of Massachusetts Land Court Cert. No. 71603 Book 359 Page 3	10,250 S.F.	1307.00
D6	St. Patrick's Religious Educational and Charitable Association of Massachusetts Land Court Cert. No. 100178 Book 501 Page 178	12,577 S.F.	1604.00
D7	New England Power Company Mtg: Shawmut Bank of Boston N.A. and New England Merchants National Bank,Trs.	13,710 S.F.	1731.00
TE-1	June G. Epler and Rose L. Vargo	450 S.F.	40.00
TE-2	Martin J. and Eunice E. Foley Mtg: Attleboro Savins Bank Mtg: Household Finance Corp. Mtg: Bank of New England - Hancock	1215 S.F.	107.00
TE-3	Raymond V. and Marie L. J. Miller	1342 S.F.	118.00
TE-4	John M. and Sandra Kenerson	300 S.F.	27.00
TE-5	Dorothy M. Jenckes	100 S.F.	20.00
TE-6	New England Power Company Mtg: Shawmut Bank of Boston N.A. and New England Merchants National Bank,Trs.	1200 S.F.	20.00
TE-7	New England Power Company Mtg: Shawmut Bank of Boston N.A. and New England Merchants National Bank,Trs.	6542 S.F.	20.00

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<u>Pct. No</u>	<u>Owner</u>	<u>Approximate Area Taken</u>	<u>Award</u>
TE-8	St. Patrick's Religious Educational and Charitable Association of Massachusetts	800 S.F.	\$ 20.00
TE-9	St. Patrick's Religious Educational and Charitable Association of Massachusetts	950 S.F.	20.00
TE-10	St. Patrick's Religious Educational and Charitable Association of Massachusetts	3,400 S.F.	68.00
TE-11	St. Patrick's Religious Educational and Charitable Association of Massachusetts Land Court Cert. No. 71603 Book 359 Page 3	1,900 S.F.	38.00
TE-12	St. Patrick's Religious Educational and Charitable Association of Massachusetts Land Court Cert. No. 71603 Book 359 Page 3	1,400 S.F.	28.00
TE-13	St. Patrick's Religious Educational and Charitable Association of Massachusetts Land Court Cert. No. 100178 Book 501 Page 178	4,200 S.F.	21.00
TE-14	George E., Jr. and Mildred Cassels	1,650 S.F.	145.00
TE-15	Timothy S. and Cynthia J. Rowles (Robert B. and Jacqueline C. McAlice Life Estate) Mtg: Attleboro Savings Bank Mtg: Hancock Bank and Trust Company	800 S.F.	70.00
TE-16	William E. and Joan F. Clarke Mtg: First Bristol County National Bank	5,700 S.F.	499.00
TE-17	James J. Glennon, Jr. Mtg: Taunton Savings Bank	740 S.F.	65.00
TE-18	New England Power Company Mtg: Shawmut Bank of Boston N.A. and New England Merchants National Bank, Trustees	9,300 S.F.	24.00
TE-19	New England Power Company Mtg: Shawmut Bank of Boston N.A. and New England Merchants National Bank, Trustees	1,100 S.F.	20.00
TE-20	Dorothea J. Kettell	450 S.F.	40.00
		Total	\$7,678.00

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 building, structures, hedges and fences from the lands so taken, at any time within three months from the date of possession; and if they shall not be so removed, the Commissioners shall have the option to do so.

JAMES J. COLLINS

GEORGE B. MC DONALD

DAVID C. AHEARN

COUNTY COMMISSIONERS

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

At a meeting of the County Commissioners, held at Dedham, on Wednesday, the twenty-third day of March 1988, 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 PLAINVILLE 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

GEORGE B. MC DONALD

DAVID C. AHEARN

COUNTY COMMISSIONERS

A true Copy

Attest: *Richard S. ...* Clerk

