

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

At a meeting of the County Commissioners, held at Dedham, within and for said County of Norfolk., on the twenty fifth day of June A.D. 2008, by adjournment of their June meeting next preceding, a notice of said meeting having been posted as required by law:

The Petition of Walter Joseph Roach, and others, Selectmen of the town of Sharon 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, being all of the Selectmen of the Town of Sharon in said County, that common convenience and necessity require that a portion of OLD POST ROAD, laying in Sharon, Massachusetts as taken by that instrument recorded at the Norfolk County Registry of Deeds on June 5 , 1962 and recorded in Book 3989, Page 303 pursuant to that layout entitled "Plan and Profile showing the relocation and widening of a portion of Old Post Road, Sharon, from South main Street to Walpole Street as made by Norfolk County Commissioners by Return dated May 15, 1962. Horizontal Scale: 1 inch = 40 feet. Vertical Scale: 1 inch = 8 feet. Wallace S. Carson, County Engineer", be altered and relocated as shown on a plan entitled "Old Post Road Relocation and Alteration Sharon, MA (Norfolk County)", dated May 13, 2008, prepared by Coler & Colantonio, Inc., 101 Accord Park Drive, Norwell, MA 02061,

referred to hereinafter as the "Coler Plan I". More specifically, the alteration and relocation of a portion of Old Post Road shall be as follows:

1) That the layout of Old Post Road be altered and relocated as shown on the "Coler Plan I";

2) That the traffic flow be altered by discontinuing the traveled way connection from Old Post Road to Laurel Road, as shown on the "Coler Plan I"; and

3) That an emergency access gate shall be placed approximately at Station #35.30± and traffic through said gate shall be limited to emergency vehicles only, as shown on the "Coler Plan I";

all in said Town of Sharon.

WHEREFORE YOUR PETITIONERS PRAY that said ways may be laid out, altered, relocated or restricted within the limits above specified.

Dated: May 27, 2008

Walter Joseph Roach
Richard A. Powell
William A. Heiten

This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, within and for said County of Norfolk, on the twenty fifth day of June A.D. 2008, by adjournment of their June meeting next preceding, a notice of said meeting having been posted as required by law, the Commissioners appointed the sixth (6th) day of August, 2008, at ten o'clock in the forenoon (10:00 AM) at their Administrative Offices, 614 High Street, Dedham, as the time and place for commencing and proceeding to view the premises described in the petition and, thereafter, on said date, the Commissioners' further appointed the Norfolk County Registry of Deeds,

second floor, 649 High Street, Dedham, MA at two o'clock in the afternoon (2:00 PM); as the time and place for commencing the public hearing on said petition. The Commissioners further caused an attested copy of said petition, and the order of notice thereon, to be served upon the Clerk of the Town of Sharon, being the town within which said alteration, relocation and discontinuance of traffic were prayed for, fifteen (15) days at least before the time appointed for said view and hearing; and also caused a copy of an abstract of said petition and said order of notice to be posted in two public places in said town; and to be published in the Sharon Advocate, a newspaper published in Sharon, Massachusetts, said postings and publications having been seven (7) days at least before the time appointed for said view and hearing, that all persons and corporations interested for or against said petition, might then and there appear and be heard as they saw fit.

And on the said the sixth (6th) day of August, 2008, the Commissioners, Francis W. O'Brien, Peter H. Collins and John M. Gillis, met at the time and place specified in said order of notice, when and where the petitioners appeared and the Town of Sharon was represented by its Selectmen; and the Commissioners then viewed the premises, and thereafter heard all persons and corporations interested, at which time a number of interest parties objected to the petition and, as a result thereof, the Commissioners continued the hearing for the purpose of scheduling of a second hearing in accordance with Massachusetts General Laws, c. 82, § 5.

And, thereafter, at a meeting of the County Commissioners, held at Dedham, within and for said County of Norfolk., on the thirteenth (13th) day of August, 2008, by adjournment of their June meeting next preceding, a notice of said meeting having been posted as required by law, the Commissioners appointed the tenth (10th) day of

September, 2008, at two o'clock in the afternoon (2:00 PM) at the Norfolk County Registry of Deeds, second floor, 649 High Street, Dedham, MA as the time and place for commencing a second public hearing, as required by law, on said petition. The Commissioners further caused an attested copy of said petition, and the order of notice thereon, to be served upon the Clerk of the Town of Sharon, being the town within which said alteration, relocation and discontinuance of traffic were prayed for, fifteen (15) days at least before the time appointed for said hearing; and also caused a copy of an abstract of said petition and said order of notice to be posted in two public places in said town; and to be published in the Sharon Advocate, a newspaper published in Sharon, Massachusetts, said postings and publications having been seven (7) days at least before the time appointed for said hearing, that all persons and corporations interested for or against said petition, might then and there appear and be heard as they saw fit.

And, on the said tenth (10th) day of September, 2008, the Commissioners, Francis W. O'Brien, Peter H. Collins and John M. Gillis met at the time and place specified in said Order, when and where the petitioners appeared and the Town of Sharon was represented by its Selectmen; and the Commissioners then heard all persons and corporations interested, at which time a number of interested parties again objected to the petition.

And, thereafter, at a meeting of the County Commissioners, held at Dedham, within and for said County of Norfolk., on the twenty-second (22nd) day of October, 2008, by adjournment of their September meeting next preceding, a notice of said meeting having been posted as required by law, the Commissioners did conditionally adjudge, in accordance with the authority vested in them by Massachusetts General Laws, c. 82, §§ 1

et seq., that common convenience and necessity require that the alteration, relocation and discontinuance of traffic prayed for in the petition be allowed so long as the following conditions were satisfied:

1. Delivery of a layout plan of the alteration and relocation of Old Post Road and discontinuance of traffic on Old Post Road suitable for endorsement by the Norfolk County Commissioners and recording in the Registry of Deeds on or before July 1, 2009;
2. Release Deed for no monetary consideration for any taking of land necessary for the alteration and relocation of Old Post Road from the current owners of any land affected to the County of Norfolk suitable for recording on or before July 1, 2009;
3. Altered and relocated layout of Old Post Road sidelines must be monumented with 6" x 6" x 48" granite markers, and with drill hole marking points of tangency or change in direction on or before July 1, 2009;
4. Completion of construction of a "full width" roadway of Old Post Road in compliance with all other applicable federal, state or local statutes, ordinances, bylaws or regulations on or before September 10, 2013;
5. Fully executed General Release and Indemnification Agreements in favor of the County of Norfolk from the Town of Sharon, Old Post Development Trust, Cranberry Realty Trust and Sharon CF II, L.P. delivered to the County of Norfolk on or before July 1, 2009; and
6. Payment in full of all expenses incurred by the County of Norfolk in connection with the aforementioned petition to alter, relocate and discontinue traffic.

And thence the same was continued and adjourned from time to time to this meeting.

And now the Commissioners, Francis W. O'Brien, John M. Gillis and Peter H. Collins, do hereby adjudge that common convenience and necessity require that a portion of **OLD POST ROAD**, laying in Sharon, Massachusetts be altered and relocated and traffic discontinued as shown on a plan entitled "Plan showing the Alteration of a portion of OLD POST ROAD, SHARON, MA at its junction with SOUTH MAIN STREET as laid out by the NORFOLK COUNTY COMMISSIONERS on May 15, 1962 as made by the Norfolk County Commissioners by Return dated: August 11, 2010

Scale: 1 inch = 40 feet, by Eric J. Poreda, P.L.S” prepared by Coler & Colantonio, Inc., 101 Accord Park Drive, Norwell, MA 02061, on March 19, 2009, hereinafter referred to as the “Coler Plan II”. More specifically, the alteration and relocation and discontinuance of traffic of Old Post Road shall be as follows:

1) That the layout of Old Post Road be altered and relocated as shown on the “Coler Plan II”;

2) That the traffic flow be altered by discontinuing the traveled way connection from Old Post Road to Laurel Road, as shown on the “Coler Plan II”; and

3) That an emergency access gate shall be placed at Station #35+39.41 and traffic through said gate shall be limited to emergency vehicles only, as shown on the “Coler Plan II”;

all within said Town of Sharon.

And the lines of said alteration, relocation and discontinuance of traffic flow are as follows:

“Parcel 1”

A certain parcel of land being shown as "Parcel 1" on the Coler Plan II and more particularly described as follows:

Beginning at a point at the intersection of the Northerly sideline of South Main Street as laid out by the 1908 State Highway Layout #1195 and the Westerly Sideline of Old Post Road as laid out by the 1962 County Layout; said point being also at Station 19+63.21, 136.99 feet left of the auxiliary baseline “A” of State Highway Layout No. 5227;

Thence turning and running Northerly by a curve to the left having a radius of fifty and 00/100 (50.00) feet, a length of eighty-eight and 27/100 (88.27) feet to a stone bound with drill hole;

Thence running N32°48'37"W a distance of sixty-two and 56/100 (62.56) feet to a stone bound;

Thence turning and running N28°59'46"W a distance of three hundred and 67/100 (300.67) feet to a stone bound with drill hole;

Thence turning and running N32°48'37"W a distance of two hundred fifty-nine and 82/100 (259.82) feet to a stone bound with drill hole;

Thence running Northerly by a curve to the right having a radius of eight hundred thirty-five and 00/100 (835.00) feet, a length of one hundred thirty-six and 05/100 (136.05) feet to a stone bound with drill hole;

Thence running Northerly by a compound curve having a radius of six hundred thirty-five and 00/100 (635.00) feet, a length of two hundred ninety-nine and 20/100 (299.20) feet to a point;

Thence running N03°31'19"E a distance of four hundred forty and 29/100 (440.29) feet to a stone bound with drill hole;

Thence running Northerly by a curve to the left having a radius of eight hundred sixty-five and 00/100 (865.00) feet, a length of two hundred ninety-four and 17/100 (294.17) feet to a stone bound with drill hole;

Thence running N15°57'47"W a distance of two hundred ten and 07/100 (210.07) feet to a stone bound with drill hole, said point being on the Westerly sideline of the 1962 County Layout;

Thence turning and running Southerly along the Westerly sideline of Old Post Road as laid out by 1962 County Layout to the point of beginning.

The above-described parcel contains a total area of 35,090 square feet, more or less.

"Parcel 2"

A certain Parcel of land being shown as "Parcel 2" on the Coler Plan II and more particularly described as follows:

Beginning at a point on the Westerly sideline of Old Post Road as laid out by the 1962 County Layout, said point being marked by stone bound with drill hole;

Thence $N15^{\circ}57'47''W$ a distance of four hundred six and $71/100$ (406.71) feet to a stone bound with drill hole;

Thence running Northerly by a curve to the right having a radius of six hundred sixty-five and $00/100$ (665.00) feet, a length of three hundred fifty-two and $55/100$ (352.55) feet to a stone bound with drill hole;

Thence running Northerly by a reverse curve to the left having a radius of eight hundred fifteen and $00/100$ (815.00) feet, a length of two hundred seventeen and $30/100$ (217.30) feet to a stone bound with drill hole;

Thence running Westerly by a compound curve to the left having a radius of sixty and $00/100$ (60.00) feet, having a chord bearing of $N47^{\circ}01'02''W$ and a chord distance of eight six and $54/100$ (86.54) feet, a length of ninety-six and $66/100$ (96.66) feet to a stone bound with drill hole;

Thence turning and running $N03^{\circ}10'12''W$ a distance of sixty and $00/100$ (60.00) feet to a stone bound with drill hole;

Thence turning and running Easterly by a curve to the left having a radius of sixty and 00/100 (60.00) feet, having a chord bearing of N62°03'51"E and chord distance of fifty and 27/100 (50.27) feet a length of fifty-one and 87/100 (51.87) feet to a stone bound with drill hole;

Thence running Northerly by a compound curve to the left having a radius of thirty and 00/100 (30.00) feet, a length of twenty-five and 07/100 (25.07) feet to a stone bound with drill hole;

Thence running N10°34'28"W a distance of sixteen and 00/100 (16.00) feet to a stone bound with drill hole;

Thence turning and running N72°20'37"E a distance of ten and 07/100 (10.07) feet to a stone bound with drill hole, said point being on the Westerly sideline of the 1962 County Layout;

Thence turning and running Southerly along Westerly sideline of Old Post Road as laid out by 1962 County Layout to the point of beginning.

The above-described parcel contains a total area of 14,440 square feet, more or less.

And, that traffic shall be discontinued at the intersection of Laurel Road and Old Post Road as shown on sheet 2 of 5 of the Coler Plan II and near South Walpole Street as shown on sheet 5 of 5 of the Coler Plan II.

However, said discontinuance of traffic is specifically contingent upon completion of construction of a "full width" roadway of Old Post Road in compliance with all other applicable federal, state or local statutes, ordinances, bylaws or regulations on or before September 10, 2013, as set forth in this Order; and

Also, said alteration and relocation and discontinuance of traffic of Old Post Road is specifically contingent upon the execution of the General Release and Indemnification Agreement attached hereto, incorporated herein, and recorded herewith in the Norfolk County Registry of Deeds by SHARON CFII, OLD POST DEVELOPMENT, CRANBERRY REALTY AND THE TOWN OF SHARON, and the successors and assigns of each of them (hereinafter "Releasing Party") that releases and forever discharges the County Commissioners and the County of Norfolk from any and all debts, demands, claims, actions, causes of action, suits, damages, costs, loss of services, expenses, including without limitation, attorneys' fees and any other compensation of any kind whatsoever, both in law and in equity, which the Releasing Party now has or may have as of the date hereof or may in the future have resulting in any injury or damage, whether known or unknown, anticipated or unanticipated, on account of, or directly or indirectly as a result of, the discontinuance of traffic at certain locations on Old Post Road as set forth in this Order and further indemnifies and holds the County Commissioners and the County of Norfolk harmless from any and all damages, losses, fees, charges, liabilities, obligations, penalties, claims, litigation, demands, defenses, judgment, suits, proceedings, costs, disbursements or expenses, including without limitation, attorneys' fees arising from any third party claims alleging damage to property or personal injury arising out of the construction of the roadway improvements by Sharon CFII in the Old Post Road Layout.

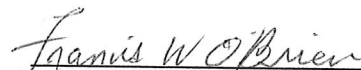
And permanent stone bounds will be erected at the termini and angles of said alteration and relocation as indicated on said plan.

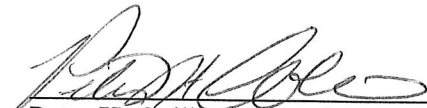
All of said lines and parcels are shown upon a plan entitled "Plan showing the Alteration of a portion of OLD POST ROAD, SHARON, MA at its junction with SOUTH

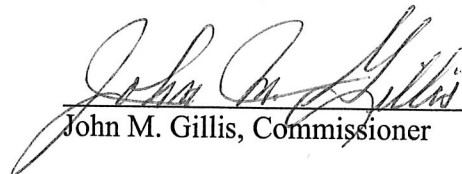
MAIN STREET as laid out by the NORFOLK COUNTY COMMISSIONERS on May 15, 1962 as made by the Norfolk County Commissioners by Return dated: August 11, 2010 Scale: 1 inch = 40 feet, by Eric J. Poreda, P.L.S” which plan was prepared by Coler & Colantonio, Inc., 101 Accord Park Drive, Norwell, MA 02061, on March 19, 2009, and was referred to herein as the “Coler Plan II” which plan is filed herewith and made a part of this return;

And, in accordance with the authority vested in them by Massachusetts General Laws, c. 82, §§ 1 *et seq.*, the Commissioners Francis W. O’Brien, Peter H. Collins and John M. Gillis, do hereby ORDER that all expenses incurred by the County of Norfolk in connection with said petitions shall be paid by the petitioners when required by the Commissioners and no later than thirty (30) days after the County’s written request;

COUNTY COMMISSIONERS:


Francis W. O’Brien, Chairman


Peter H. Collins, Commissioner


John M. Gillis, Commissioner

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss


At a meeting of the County Commissioners, held at Dedham on Wednesday, the / day of August , 2010, 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 Sharon, within which the limits of said public way described therein lies, so that the same may be recorded by said Clerk, within ten days, in the book of records kept in said town for that purpose.

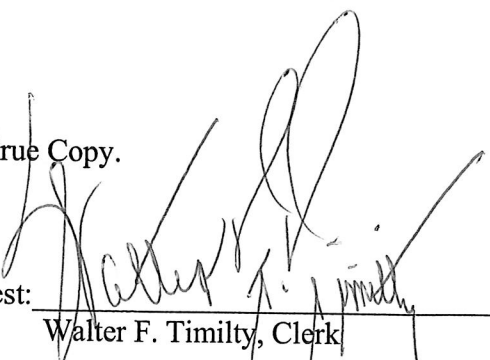
COUNTY COMMISSIONERS:


Francis W. O'Brien, Chairman


Peter H. Collins, Commissioner


John M. Gillis, Commissioner

A True Copy.

Attest: 
Walter F. Timilty, Clerk