

C.O.D. 2368

COMMONWEALTH OF MASSACHUSETTS

& PlanSee Pl. B.
77 Pl. 95

Essex, ss.

County Commissioners

May 24, 1949

J. Wilbur Woodman and others, inhabitants of the Town of Essex, in the County of Essex, Massachusetts, by their petition to said Commissioners, respectfully represent that the way known as Apple Street is unsuited to the present requirements of traffic, that the lines are indefinite, and that common convenience and necessity require that the same be laid out, altered or relocated, and that specific repairs be made thereon and that a new bridge at Western Avenue be constructed, and pray that after due notice and a hearing the County Commissioners may lay out, alter or relocate the said way, order specific repairs thereon, and that a new bridge at Western Avenue be constructed, and discontinue any portions thereof which by reason of their action may no longer be required, all as in their judgment may be necessary.

This petition was entered on August 13, 1947, and notice was ordered given to all persons and corporations interested therein of the place and time where and when the Commissioners would meet for the purpose of viewing the premises and making such order in relation to the prayer of said petition as by law they may be authorized to do, as by their order of notice on file and of record will more fully appear.

And on October 21, 1947, the County Commissioners did adjudge that common convenience and necessity require that the said way known as Apple Street be laid out, altered or relocated, and that specific repairs be made thereon, and that a new bridge at Western Avenue be constructed, all as prayed for in said petition, and thence the said petition has been continued to this time. And now the said Commissioners make return of their proceedings in the matter as follows:-

It having been made to appear that all persons and corporations interested therein had been duly notified of the time and place of meeting, we, the County Commissioners for said County, did on the seventeenth day of May, A. D. 1949, meet at the Court House in the City of Salem, when and where the parties appeared.

Having viewed the premises and fully heard the parties, we did proceed to alter said way from Western Avenue about 1500 feet southerly, and the following is a true description of the highway as hereby altered:

NORTHEASTERLY LINE: Beginning at a point by land of Gibbs, on the southeasterly line of Western Avenue as established by the County Commissioners July 23, 1929, bearing N. 33° 59' 50" E. (Magnetic) one hundred fifteen and sixty one-hundredths (115.60) feet from an angle point marked by a drill hole in a stone monument, thence running S. 6° 50' 10" W. fifty five and forty one-hundredths (55.40) feet;

thence S. 18° 15' 50" E. one hundred fifty three and forty seven one-hundredths (153.47) feet;
thence S. 25° 45' 10" E. one hundred twenty eight and seventy nine one-hundredths (128.79) feet;
thence S. 44° 53' 00" E. three hundred ninety one and forty five one-hundredths (391.45) feet;
thence S. 50° 43' 00" E. three hundred ninety and thirty six one-hundredths (390.36) feet;
thence S. 67° 11' 00" E. one hundred ninety seven and eighteen one-hundredths (197.18) feet. Said above described line to be the northeasterly line of Apple Street as hereby altered.

SOUTHWESTERLY LINE: Beginning at a point by land of Lee on the southeasterly line of Western Avenue as established by the County Commissioners July 23, 1929, marked by a drill hole in a stone monument bearing S. 33° 58' 50" W. one hundred fifteen and sixty one-hundredths (115.60) feet from the point of beginning of the above described northeasterly line, thence running S. 25° 45' 10" E. two hundred seventy seven and seventy eight one-hundredths (277.78) feet in part parallel with and fifty and no one-hundredths (50.00) feet distant at right angles from the third course in the above described northeasterly line; thence S. 44° 53' 00" E. four hundred two and forty one one-hundredths (402.41) feet; thence S. 80° 43' 00" E. three hundred ninety five and seventy two one-hundredths (395.72) feet; thence S. 87° 11' 00" E. two hundred feet and no one-hundredths of a foot (200.00 feet) to a point bearing S. 32° 49' 00" W. fifty and no one-hundredths (50.00) feet from the terminus of the above described northeasterly line. The last three courses are parallel with and fifty and no one-hundredths (50.00) feet distant at right angles from corresponding courses in the above described northeasterly line. Said above described line to be the southwesterly line of Apple Street as hereby altered.

Laying into the way as hereby altered all the lands between the above described northeasterly and southwesterly lines, and between Western Avenue on the north and on the south the line connecting their southerly termini, so that the same shall be as shown on a plan filed herewith and deposited in the office of the County Engineer, bearing the record number 2753, which plan is made a part of this decree and reference may be had to it for a more particular description.

And an easement for all the purposes of a public highway is hereby taken in the following lands under authority of Chapter 79 of the General Laws and Acts in amendment thereof and in addition thereto:

Land supposed to be owned by Clarence M. Gibbs and Emerald W. Gibbs, bounded easterly by the northeasterly line of the way as hereby altered about one hundred fifty (150) feet, southwesterly, westerly and northwesterly by Apple Street about forty three (43) feet, ninety three (93) feet and sixteen (16) feet, respectively.

And there is further hereby taken an easement for all the purposes of a public way in any and all other lands by whomsoever owned lying within the limits of said way as hereby altered.

The parcels of land in which an easement is hereby taken are supposed to be the property of the owners as stated, but said easement is taken whether the ownership, measurements and areas herein given are stated correctly or not.

And all portions of the existing highway lying outside the lines as herein established, except as they may be portions of connecting ways, or necessary to reach connecting ways, are hereby discontinued.

And we have caused permanent stone monuments each bearing on its top the letters E. O. to be set at the angle points, the northerly and southerly terminus of the northeasterly line and the southerly terminus of the southwesterly line as hereby established, the required point in each case being marked by the center of the back of the monument which is set wholly within the highway. The northerly terminus of the southwesterly line is marked by a drill hole in an old stone bound.

And the abutting owners are allowed thirty days to remove from within the location all timber, wood, trees or other property.

And we have determined and awarded the damages sustained by persons in their property by reason of said alteration as follows, viz:

To Clarence H. Gibbs and Esmeralda W. Gibbs One Dollar \$1.00

To all other owners

Nothing

to be paid to them out of the treasury of the town of Essex when the land is entered upon and possession taken for the purpose of constructing said way. If further damages should be awarded, they shall be paid out of the treasury of said town of Essex.

And it is determined by the County Commissioners that the inhabitants of Essex, the town in which said way is laid, shall on or before the first day of January, A. D. 1951, work out the way as hereby altered, and shall build a gravel surface roadway six (6) inches in depth, treated with bitumen and at least twenty (20) feet in width on a suitable gravel foundation or similar type as the Commissioners may approve, and they shall construct proper shoulders, make all necessary provisions for subsoil and surface water, erect guard rails as and where the same may be required, and wherever so required by abutting owners they shall set back walls and fences to the lines herein established, and they shall set, as and where indicated, the stone monuments which will be furnished by the County of Essex, and they shall build at Western Avenue a reinforced concrete bridge fifteen (15) feet clear span, with a twenty four (24) foot roadway and five (5) foot sidewalk with proper approaches in accordance with a design by the Massachusetts Department of Public Works, and they shall complete said way and bridge so that the same may at all times be safe and convenient for travel, all to the reasonable directions and requirements of the County Commissioners.

And the Commissioners will reimburse the Town of Essex in a part of the cost of the work herein authorized.

And the petition insofar as it relates to other portions of Apple Street not covered by this alteration is left open for further action.

And said road shall be known as a public highway forever.

And the said Commissioners order that this return be recorded, and that all the matters therein ordered be done and performed accordingly.

IN TESTIMONY WHEREOF, we have hereunto set our hands this twenty fourth day of May in the year of our Lord One thousand nine hundred and forty nine.

Arthur A. Thompson

J. Fred Manning

C. F. Nelson Pratt

County Commissioners

A true copy.

Attest: *Louise W. Fassett*
Deputy Asst. Clerk.

Essex ss. Received May 25, 1949. 16 m. past 2 P.M. Recorded and Examined.