

Greendale Avenue to Route 128

WHEREAS under Chapter 59 of the Acts of 1924, the Town of Needham was authorized among other things, to lay out, construct, maintain and operate a system of main drains and common sewers, and to make, lay and maintain drains for the purpose of providing better surface or other drainage, and to elect a board of Sewer Commissioners, and

WHEREAS the said Town of Needham did, at a meeting the Town duly called and held on the thirteenth day of March, 1933, vote to accept Chapter 190 of the Acts of 1932 which authorized the Board of Selectmen to act as a Board of Public Works exercising the powers of Sewer Commissioners and certain other Boards; and

WHEREAS said Board of Selectmen, acting on behalf of said Town by virtue of the authority conferred by said Chapter 59 of the Acts of 1924, and by every other authority in said Board hereto enabling, desires to take by eminent domain under the provisions of General Laws, Chapter 79 certain rights and easements for the purpose of making, laying and maintaining a main drain and common sewer,

NOW therefore, the said Board acting for and on behalf of said Town does hereby order, declare and specify that said Board takes by right of eminent domain for said Town of Needham an easement for sewer purposes in the following described parcel of land in Needham, Norfolk County, Massachusetts, as shown on a plan, to be recorded herewith, entitled: "Easement to be acquired in Needham, Mass., Greendale Ave. to Route 128, scale 1 in = 40 ft., H. Gordon Martin, Town Engineer", dated June, 1959, the centerline of said 20.00 ft. wide easement being located and described as follows:

Beginning at a point on the northeasterly sideline of Greendale Ave., said point being 81.75 ft. N52°06'34"W from the northerly end of a curve of 2039.93 ft. radius; thence 212.72 ft. N40°51'43"E, 125.23 ft. N63°33'27"E and 65.16 ft. N82°24'13"E to the southwesterly sideline of the State Circumferential Highway (Rte. 128) as laid out by the Commonwealth of Massachusetts in 1953.

Said rights and easements are hereby taken without prejudice to, or interference with the rights of the public or the rights of any person, corporations, Town of Needham or any authorized agent, over said described premises except in so far as is necessary for the exercise of the rights and easement hereby taken. The surface of the above described premises shall upon completion of any work, be restored as far as can reasonably be done, to the condition at the date of the commencement of said construction and may be used

thereafter by the owners of the fee, their heirs, and assigns, for all legal purposes not inconsistent with the construction, maintenance, operation and repair and renewal of said sewer or drain, except that no building, structure, foundation of building or structure to be used for habitation shall hereafter be erected or maintained upon the premises hereby taken except in a manner satisfactory to the Selectmen. Garages of any kind and wooden buildings not used for habitation, less than fourteen (14) feet high, may be erected on the premises hereby taken. Anything to the contrary herein contained notwithstanding said garages and wooden buildings shall be erected in accordance with the building By-Laws of the Town of Needham, which may now or hereafter be in force. In the event of the erection upon said premises of a garage of any kind containing a foundation, or any wooden building, containing a foundation, the bottom of the foundation of any such building shall not be built deeper than three feet from the top of the line of sewer or drain, unless prior to the construction of said foundation a concrete cradle is constructed by the owner of the fee, his heirs or assigns, sufficient in strength to support the weight of the building to be erected, without damage to the pipe of said sewer or drain.

The names of the owners of the land as herein stated are assumed to be accurate, but the aforesaid rights and easement are hereby taken whether the said ownership of such land is as stated or not. The land is taken under the provisions of law authorizing the assessment of betterments and the Selectmen adjudge that none of the abutting owners nor any other person or corporation has sustained any damage or damages for this taking, and therefore, no damages are awarded.

The following is a list of the owners and mortgagees of the land through which said easement is hereby taken:

<u>Owner</u>	<u>Mortgagee</u>
Vincent P. & Mary D. Boris	No Mortgagee Known

It is ORDERED that a main drain and common sewer be constructed and maintained in that portion of said land as hereby taken; and said Board hereby certifies that it is expected that the parcel or areas adjoining said taking will receive a benefit or advantage other than the general advantage to the community for said improvement, that is, from the construction of said main drain and common sewer but the Board of Selectmen doth hereby adjudge that none of the said owners nor any other person or corporation shall be assessed.

It is further ORDERED that written notices be given to every person having any interest in the said land, whose property is taken by this order or who is otherwise entitled to damages on account of this taking, together with a statement that any person having an interest in said land who is dissatisfied with the award of damages may petition this Board within thirty (30) days from date hereof for an award of damages, and that any person having an interest in said land is allowed one year from the date hereof or such other time as may now or hereafter be provided by statute to bring a petition in the Superior Court, Norfolk County, to have his damages assessed; and

It is further ORDERED that trees or structures on said parcel of land be and the same are hereby not taken and the owners of the land through which said sewer or drain passes be allowed ten (10) days from the date of this order to take off their trees, fences and other structures which may obstruct the construction or operation of said drain or sewer.

It is further ORDERED that a copy hereof together with plan above referred to, be recorded in the Registry of Deeds, Norfolk County, and that a notice of this order be sent forthwith by registered mail to each owner or mortgagee.

IN WITNESS WHEREOF Clarke H. Wertheim, Peter W. Carre, J. Roland Ackroyd, Philip F. Foss and Marian F. Keith, duly elected Board of Selectmen of the Town of Needham acting for and on behalf of said Town of Needham having first read and approved the foregoing, do hereby subscribe our names and cause the Town Seal to be affixed this 14 day of July, 1959.

Clarke H. Wertheim
Peter W. Carre
J. Roland Ackroyd
Philip F. Foss
Marian F. Keith
Board of Selectmen of Needham