

Witness our hands and seals this 19th day of September 1961

Edward J. Rourke

Mary E. Rourke

Margaret J. Rourke

Commonwealth of Massachusetts

Plymouth, SS.

September 19, 1961

Then personally appeared the above named EDWARD J. ROURKE, MARY E. ROURKE,
and MARGARET J. ROURKE

and acknowledged the foregoing instrument to be their free act and deed, before me

William D. Coughlan
Notary Public. Notary of the State of Massachusetts

My commission expires Nov. 17, 1967

Rec'd Sept. 19, 1961 at 11:55 A.M. & recorded.

THE COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF PUBLIC WORKS

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Layout No. 5142
and Order of Taking

WHEREAS, the Department of Public Works, acting on behalf of the Commonwealth of Massachusetts, did, under date of June 3, 1941 lay out and take charge of, as a State highway, a road in the Town of Pembroke, County of Plymouth, known as Church Street and did, under date of June 28, 1960, lay out and take charge of, as a limited access State highway, another road in said Town of Pembroke, being a portion of the relocation of Route 3 (Layout No. 5004) and did under date of May 9, 1961 alter said State highway (said alteration being Layout No. 5106), as shown on the plans of said State highways, on file in the office of the Department of Public Works copies of which plans have been filed in the office of the County Commissioners of said County of Plymouth at Plymouth, and in the office of the Town Clerk of said Town of Pembroke; and

WHEREAS, it now appears advisable to make certain changes in the location lines of said State highways;

NOW, THEREFORE, acting under the provisions of Chapter 81 of the General Laws as appearing in the Tercentenary Edition thereof, and acts in amendment thereof and in addition thereto, the Department of Public Works adjudges that public necessity and convenience require that the Commonwealth should alter the location of said

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State highway, and should lay out and take charge of said State highway as altered, as hereinafter described, with limited access provisions.

The alteration consists of establishing, with limited access provisions, a widened location of the aforesaid State highway location at the intersection of Church Street, being more fully described as follows:

The baselines of location for the State highway hereby altered and laid out are portions of the baselines of the aforesaid June 28, 1960 State highway layout (5004) and the May 9, 1961 State highway alteration (Layout #5106).

The location line of the State highway hereby altered and laid out begins at a point on the northeasterly location line of the aforesaid June 28, 1960 State highway layout, bearing north $13^{\circ} 52' 49''$ east and 170.44 feet distant from station 58+79.47 of the main baseline of said June 28, 1960 State highway layout, and extends thence, leaving said 1960 location line north $13^{\circ} 52' 49''$ east 204.54 feet to a point at the end of this alteration, on the northeasterly location line of the aforesaid May 9, 1961 State highway alteration, said point bearing north $13^{\circ} 52' 49''$ east and being 374.98 feet distant from said station 58+79.47.

The location line of the State highway altered and laid out as hereinbefore described is to be further defined by bounds set thereon at the points of beginning and ending thereof.

The right of access to and egress from the State highway location, altered and laid out as hereinbefore described, is limited, and no access to or egress from said location is allowed except to the owners of public utility structures now crossing or which will cross said location line upon completion of the construction of said State highway for the purpose of maintaining and patrolling said structures but only at the minimum widths necessary to effect said purposes.

The limited access provisions of the aforesaid June 28, 1960 State highway layout and the May 9, 1961 State highway alteration are hereby voided insofar as applicable to that portion of the northeasterly location line thereof extending between the points of beginning and ending of the alteration hereinbefore described.

It being necessary in connection with the construction and/or reconstruction of the State highway herein referred to, to acquire the parcels of land hereinafter described as Parcels 4-D-1-F to 4-D-10-F inclusive, for the purpose of draining and maintaining said State highways, we, the undersigned Commissioners of the Department of Public Works, acting on behalf of the Commonwealth of Massachusetts, under the provisions of Chapters 79 and 83 of the General Laws, do hereby take, in fee simple, the aforesaid parcels 4-D-1-F to 4-D-10-F inclusive, including all trees and structures located thereon, excepting from the rights herein taken all easements for wires, pipes, conduits, poles and all other appurtenances for the conveyance of water, sewage, gas, oil and electricity and for telephone communication now lawfully in or upon said premises hereby taken.

The aforesaid parcels are shown on the plan hereinafter referred to and are described as follows:

Parcel 4-D-1-F. A parcel of land supposed to be owned by Antoinette C. Walther adjoining the northeasterly location line of the June 3, 1941 State highway layout on Church Street, bounded southerly by said location about 50 feet, westerly about 50 feet, northerly about 50 feet and easterly about 50 feet all by other land of said Walther, containing about 2500 square feet.

Parcel 4-D-2-F. A parcel of land supposed to be owned by Grace L. Howells and Ruth Howells Thorpe adjoining the southwesterly location line of the June 28, 1960 State highway layout (L.O. No. 5004) and the second section of Town highway laid out in connection with the State highway alteration of May 9, 1961 (L.O. No. 5106) bounded northeasterly by said State highway layout about 41 feet, southeasterly by said Town highway about 40 feet, southerly by other land of said Howells and Thorpe about 110 feet, and northwesterly by other land of said Howells and Thorpe in the Town of Marshfield about 102 feet; containing about 3780 square feet.

Parcel 4-D-3-F. A parcel of land supposed to be owned by Grace L. Howells and Ruth Howells Thorpe adjoining the southwesterly location line of the June 28, 1960 State highway layout (section 3) bounded northeasterly by said State highway about 365 feet, southeasterly by other land of said Howells and Thorpe in the Town of Marshfield about 171 feet, southwesterly by other land of said Howells and Thorpe about 585 feet, westerly by land now or formerly of Hatch and Magoun about 227 feet, northerly northeasterly and northwesterly, a total of about 565 feet by land now or formerly of Helen W. Dimock; containing 2.07 acres.

Parcel 4-D-4-F. A parcel of land supposed to be owned by Grace L. Howells and Ruth Howells Thorpe adjoining the northeasterly location line of the June 28, 1960 State highway layout (L.O. No. 5004) bounded southwesterly by said State highway about 188 feet, northwesterly and northeasterly about 33 feet and about 178 feet respectively by other land of said Howells and Thorpe, and northeasterly by other land of said Howells and Thorpe in the Town of Marshfield about 35 feet; containing about 0.14 acres.

Parcel 4-D-5-F. A parcel of land supposed to be owned by Helen W. Dimock adjoining the southwesterly location line of the June 28, 1960 State highway layout (L.O. No. 5004) bounded northeasterly by said State highway about 445 feet, southeasterly, southerly and southwesterly by land now or formerly of Grace L. Howells and Ruth Howells Thorpe (Parcel 4-D-3-F) a total of about 565 feet, westerly by land now or formerly of Hatch and Magoun about 20 feet and northwesterly by land now or formerly of Grace L. Howells and Ruth Howells Thorpe about 103 feet; containing about 1.32 acres.

Parcel 4-D-6-F. A parcel of land supposed to be owned by Grace L. Howells and Ruth Howells Thorpe adjoining the southwesterly location line of the June 28, 1960 State highway layout (L.O. No. 5004) bounded northeasterly by said State highway about 8 feet, southeasterly by land now or formerly of Helen W. Dimock (Parcel 4-D-5-F) about 103 feet, westerly by land now or formerly of Hatch and Magoun about 33 feet, and northwesterly by land of an unknown owner (North River) about 90 feet; containing about 1340 square feet.

Parcels 4-D-7-F to 4-D9-F comprise a parcel of land described as follows: Beginning at a point on the southwesterly location line of the first section of Town highway laid out in connection with the State highway alteration of May 9, 1961 (L.O. No. 5106) bearing south $54^{\circ} 45' 41''$ west and 25.00 feet distant from station 0+90.00 of the aforesaid auxiliary baseline "D" and extending thence leaving said location line south $54^{\circ} 45' 41''$ west 25.00 feet, thence south $15^{\circ} 45' 41''$ west 320.00 feet, thence south $45^{\circ} 45' 41''$ west 200.00 feet, thence south $44^{\circ} 14' 19''$ east 105.00 feet, thence north $45^{\circ} 45' 41''$ east 130.00 feet, thence north $16^{\circ} 38' 13''$ east 136.23 feet, thence north $64^{\circ} 45' 41''$ east 222.61 feet to a point on said location line, thence following said location line north $35^{\circ} 14' 19''$ west 270.59 feet to the point of beginning.

Parcel 4-D-7-F. A parcel of land supposed to be owned by Gordon B. and Gladys M. Parker adjoining the southwesterly location line of the first section of Town highway laid out in connection with the State highway alteration of May 9, 1961 (Layout #5106) bounded northeasterly by said Town highway about 83 feet; southeasterly by land now or formerly of Mary L. Ware about 112 feet; southwesterly about 115 feet and northwesterly 25.00 feet all by other land of said Parker, containing about 0.13 acres.

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Parcel 4-D-8-F. A parcel of land supposed to be owned by Mary L. Ware, adjoining the southwesterly location line of the first section of Town highway laid out in connection with the May 9, 1961 State highway alteration (L.O. No. 5106), bounded northeasterly by said Town highway about 83 feet, easterly by land now or formerly of John D. Walsh Jr. and Hosea D. Benson about 152 feet, southeasterly about 92 feet, easterly 136.23 feet, and again southeasterly 130.00 feet, southwesterly 105.00 feet northwesterly 200.00 feet and again northwesterly about 205 feet all by other land of said Mary L. Ware, and northwesterly about 112 feet by land now or formerly of Gordan B. and Gladys M. Parker (Parcel 4-D-7-F) containing about 1.18 acres.

Parcel 4-D-9-F. A parcel of land supposed to be owned by John D. Walsh Jr. and Hosea D. Benson adjoining the southwesterly location line of the first section of Town highway laid out in connection with the State highway alteration of May 9, 1961 (L.O. No. 5106) bounded northeasterly by said Town highway about 105 feet, southeasterly by other land of said Walsh and Benson about 131 feet, and westerly by land now or formerly of Mary L. Ware (Parcel 4-D-8-F) about 152 feet, containing about 0.15 acres.

Parcel 4-D-10-F. A parcel of land supposed to be owned by John D. Walsh Jr. and Hosea D. Benson comprising a strip of land 40 feet in width extending between the southwesterly location line of the May 9, 1961 State highway alteration (L.O. No. 5106) and the northeasterly location line of the first section of Town highway laid out in connection therewith, bounded northeasterly by said State highway location 40.00 feet, southeasterly by other land of said Walsh and Benson 184.61 feet, southwesterly by said first section of Town highway 40.62 feet, and northwesterly by other land of said Walsh and Benson 191.05 feet, containing about 0.17 acres.

It being necessary in connection with the construction and/or reconstruction of the State highways herein referred to, to construct drainage structures in the parcels of land hereinafter described as Parcels 4-D-1 to 4-D-8 inclusive, we, the undersigned, Commissioners of the Department of Public Works, acting for the Commonwealth of Massachusetts, do hereby take, under the provisions of Chapters 79 and 83 of the General Laws, easements in the aforesaid parcels of land consisting of the right to enter upon said land at any time to construct thereon and to use and maintain drainage structures, together with the right to discharge surface water upon said land, for the purpose of draining and maintaining said State highway. Said parcels of land are described as follows:

Parcel 4-D-1. A parcel of land supposed to be owned by Gilbert H. West Company, Inc. adjoining the southwesterly location line of the June 28, 1960 State highway layout, bounded northeasterly by said State highway about 54 feet, southeasterly by other land of said West Company Inc., about 257 feet, westerly by Oak Street about 58 feet, and northwesterly by other land of said West Company Inc., about 209 feet, containing about 0.27 acres.

Parcels 4-D-2 and 4-D-3 together comprise a strip of land 50.00 feet in width bounded by a line described as follows: Beginning at a point on the northeasterly location line of the June 28, 1960 State highway layout bearing north $42^{\circ} 13' 47''$ east and 150.00 feet distant from station 49+80.38 of the aforesaid main baseline, and extending thence following said location line north $47^{\circ} 46' 13''$ west 59.62 feet, thence leaving said location line north $9^{\circ} 13' 47''$ east 355.00 feet, thence north $30^{\circ} 28' 31''$ east 162.31 feet, thence north $76^{\circ} 32' 14''$ east 229.00 feet to a point on the southwesterly location line of the June 3, 1941 State highway layout, thence following said location line south $76^{\circ} 27' 46''$ east 80.69 feet thence leaving said location line south $13^{\circ} 32' 11''$ west 15.00 feet, thence south $76^{\circ} 32' 14''$ west 272.83 feet, thence south $30^{\circ} 28' 31''$ west 131.68 feet, thence south $9^{\circ} 13' 47''$ west 373.09 feet to the point of beginning.

Parcel 4-D-2. A parcel of land supposed to be owned by Gilbert H. West Company, Inc. adjoining the northeasterly location line of the June 28, 1960 State highway layout (L.O. No. 5004) bounded southwesterly by said location 59.62 feet westerly by other land of said Gilbert West Company Inc., about 307 feet, northerly by land now or formerly of Antoinette C. Walther about 50 feet and easterly by other land of said Gilbert H. West Company Inc., about 340 feet, containing about 0.37 acres.

Parcel 4-D-3. A parcel of land supposed to be owned by Antoinette C. Walther adjoining the southwesterly location of the June 3, 1941 State highway layout on Church Street, bounded by a line beginning at a point on said southwesterly location line bearing south $13^{\circ} 32' 14''$ west and 32.50 feet distant from station 139+12.00 of auxiliary baseline "B" hereinbefore mentioned and extending thence leaving said location line south $76^{\circ} 32' 14''$ west 229.00 feet; thence south $30^{\circ} 28' 31''$ west 162.31 feet thence south $9^{\circ} 13' 47''$ west about 48 feet; thence south $80^{\circ} 46' 13''$ east about 50 feet; thence north $9^{\circ} 13' 47''$ east about 38 feet; thence north $30^{\circ} 28' 31''$ east 131.68 feet; thence north $76^{\circ} 32' 14''$ east 272.83 feet; thence north $13^{\circ} 32' 14''$ east 15.00 feet to a point again on said State highway location line; thence following said location line northwesterly 80.69 feet to the point of beginning, containing about 0.51 acres.

Parcel 4-D-4. A parcel of land supposed to be owned by Antoinette C. Walther located northerly of the June 3, 1941 State highway layout on Church Street, bounded southerly by other land of said Walther (Parcel 4-D-1-F) about 30 feet, westerly about 250 feet, northerly about 30 feet, and easterly about 250 feet all by other land of said Walther; containing about 0.17 acres.

Parcel 4-D-5. A parcel of land supposed to be owned by Williams and Melvin, Inc. adjoining the northeasterly location line of the June 28, 1960 State highway layout (L.O. No. 5004), bounded southwesterly by said State highway about 143 feet, northwesterly about 20 feet, northeasterly about 143 feet, and southeasterly about 20 feet, all by other land of said Williams and Melvin, Inc., containing about 2900 square feet.

Parcel 4-D-6. A parcel of land supposed to be owned by Williams and Melvin, Inc. adjoining the southwesterly location line of the June 28, 1960 State highway layout (L.O. No. 5004), bounded northeasterly by said State highway about 300 feet, southeasterly about 50 feet, southwesterly about 300 feet and northwesterly about 50 feet all by other land of said Williams and Melvin, Inc., containing about 0.34 acres.

Parcel 4-D-7. A parcel of land supposed to be owned by Williams and Melvin, Inc. adjoining the northeasterly location of the June 28, 1960 State highway layout (L.O. No. 5004) bounded southwesterly by said State highway about 100 feet, northwesterly about 30 feet, northeasterly about 100 feet and southeasterly about 30 feet all by other land of said Williams and Melvin, Inc. containing about 3000 square feet.

Parcel 4-D-8. A parcel of land supposed to be owned by Grace L. Howells and Ruth Howells Thorpe adjoining the southwesterly location line of the June 28, 1960 State highway layout (Section 2), (Layout #5004) bounded northeasterly by said State highway about 100 feet, southeasterly about 50 feet, southwesterly about 100 feet, and northwesterly about 50 feet all by other land of said Howells and Thorpe, containing about 0.11 acres.

For the purpose of laying out, constructing and maintaining said State highway as altered, the Department of Public Works, on behalf of the Commonwealth of Massachusetts, does hereby take, in fee simple, under the provisions of Chapter 79 of the General Laws and of Chapter 718 of the Acts of 1956 as amended, all of the land outside of the limits of the existing public way or ways and within the limits of the layout hereinbefore described, including all trees and structures located thereon, situated in the Town of Pembroke, County of Plymouth, the supposed owners of Parcels 4-1 and 4-2 shown on the plan hereinafter referred to, being set forth in the schedule of awards hereinafter contained, excepting from the rights herein taken all easements for wires, pipes, conduits, poles and other appurtenances for the conveyance of water,

sewage, gas, oil and electricity and for telephone communication now lawfully in or upon said premises hereby taken and all lawful rights of the public to use those parts of the public way or ways in the Town of Pembroke which are included in the foregoing description.

The State highway hereby altered and laid out, and the aforesaid takings are shown on a plan signed by E. J. McCarthy, Chief Engineer and signed by the Department of Public Works and on file in its office, said plan being entitled: "The Commonwealth of Massachusetts Plan of Road in the Town of Pembroke Plymouth County Altered and laid out as a State Highway by the Department of Public Works August 29, 1961 Scale: 40 feet to the inch", an attested copy of which is to be recorded with this order of layout and taking in the Registry of Deeds for Plymouth County, at Plymouth.

For damages sustained by persons in their property by reason of the aforesaid takings, the following awards are made:

<u>Parcel No.</u>	<u>Supposed Owner</u>	<u>Area</u>	<u>Award</u>
4-1	Alfred W. and Jeanne M. MacNeil	0.58 acres	\$1.00
4-2	Lavena F. Scanlon	2770 sq.ft.	1.00
4-D-1-F	Antoinette C. Walther	2500 sq.ft.	1.00
4-D-2-F	Grace L. Howells and Ruth Howells Thorpe	3780 sq.ft.	1.00
4-D-3-F	Grace L. Howells and Ruth Howells Thorpe	2.07 acres	1.00
4-D-4-F.	Grace L. Howells and Ruth Howells Thorpe	0.14 acres	1.00
4-D-5-F	Helen W. Dimock	1.32 acres	1.00
4-D-6-F	Grace L. Howells and Ruth Howells Thorpe	1340 sq.ft.	1.00
4-D-7-F	Gordon B. and Gladys M. Parker	0.13 acres	1.00
4-D-8-F	Mary L. Ware	1.18 acres	1.00
4-D-9-F	John D. Walsh Jr. and Hosea D. Benson	0.15 acres	1.00
4-D-10-F	John D. Walsh Jr. and Hosea D. Benson	0.17 acres	1.00
4-D-1	Gilbert H. West Co., Inc.	0.27 acres	1.00
4-D-2	Gilbert H. West Co., Inc.	0.37 acres	1.00
4-D-3	Antoinette C. Walther	0.51 acres	1.00
4-D-4	Antoinette C. Walther	0.17 acres	1.00
4-D-5	Williams and Melvin, Inc.	2900 sq.ft.	1.00
4-D-6	Williams and Melvin, Inc.	0.34 acres	1.00
4-D-7	Williams and Melvin, Inc.	3000 sq.ft.	1.00
4-D-8	Grace L. Howells and Ruth Howells Thorpe	0.11 acres	\$1.00

The names of owners herein given, although supposed to be correct are such only as matters of opinion and belief.

It is therefore

Voted: That said way, as altered, as described herein and as described and shown on said plan, be and the same is hereby laid out and taken charge of by the Commonwealth; that the Secretary of the Department of Public Works be and hereby is instructed to file, in the office of the County Commissioners of the County and in the office of the Town Clerk of the Town in which said way is located, certified copies of said plan and of a certificate, signed by at least a majority of the members of the Department of Public Works, attesting that said Department of Public Works has laid out and taken charge of said way, as altered, in accordance with said plan, together with a copy of this adjudication and vote.

Dated at Boston this twenty-ninth day of August, 1961.

J.A.S.

Jack P. Ricciardi

Department

Fred B. Dole

of

George C. Toumpouras

Public Works

THE COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE SECRETARY

Boston, August 29, 1961.

I hereby certify that at the date of this attestation hereto annexed Jack P. Ricciardi, Fred B. Dole and George C. Toumpouras were duly qualified as Commissioner and Associate Commissioners, respectively, of the Department of Public Works, and that to their acts and attestations, as such, full faith and credit are and ought to be given in and out of Court, and, further, that their signatures to the annexed instrument are genuine.

In testimony of which I have hereunto affixed the Great Seal of the Commonwealth the date above written.

Kevin A. White

Secretary of the Commonwealth



Rec'd Sept. 19, 1961 at 12:10 P.M. & recorded.

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