



Braintree Town Council

ORDER NO: 13 062

DATE FILED: NOVEMBER 20, 2013

REQUEST OF: ELMLAWN LLC

ACCEPTANCE OF ELMLAWN ROAD 2014 EXTENSION

At the request of Elmlawn LLC that the Town Council vote to accept as a Town way layout of Elmlawn Road Extension.

Elmlawn Road was an accepted public way from Elm Street to Roberts Street. A subdivision plan extending Elmlawn Road was signed by the Braintree Planning Board October 12, 2010 and the subdivision was constructed. Before its completion, an error in the survey was discovered. A modification of the subdivision was signed by the Braintree Planning Board April 20, 2012 finalizing the plan of the extension of Elmlawn Road that is the subject of this acceptance. This extension of Elmlawn Road is a 450 foot long cul-de-sac roadway running northerly to westerly from Robert Street, opposite the already accepted portion of Elmlawn Road. The nominal width of this street is 40 feet for the first 120 feet, more or less, expanding to 50 feet beyond that point, and the street layout is shown on the one-sheet plan entitled "STREET ACCEPTANCE PLAN IN BRAINTREE MASSACHUSETTS, ELMLAWN ROAD EXTENSION", by BORDERLAND ENGINEERING INC., dated 08-15-2012 recorded herewith and also shown on THE plan "SUBDIVISION MODIFICATION IN BRAINTREE, MASSACHUSETTS, ALMQUIST ESTATES" dated 1/15/2011 and recorded at Plan Book 614 as Plan No. 87. The description of the easterly and westerly sidelines is as follows:

Along the westerly street line of Elmlawn Road

Beginning at a point on a stone bound on the northerly street line of Robert Street, in front of house number 198 Robert Street, said point being the most southwesterly corner of the herein described extension of the Elmlawn Road layout, said point also being 509.27' N 64°53' 58" E of a drill hole in a stone bound on the northerly street line of Robert Street where it intersects the westerly street line of Holmes Street;



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Thence easterly to northerly 18.81 feet along the arc of a 15.00 foot radius curve to the left to a stone bound at a point of tangency;

Thence N 06° 57' 01" W 114.89 feet to a stone bound at an angle point;

Thence turning and running S 83° 02' 59" W 4.89 feet to a stone bound at an angle point;

Thence turning and running northerly to westerly 145.18 feet along the arc of a 125.00 foot radius curve to the left to a stone bound at a point of compound curvature for a cul-de-sac curve;

Thence westerly 42.77 feet along the arc of a 30.00 foot radius curve to the left to a stone bound at a point of reverse curvature;

Thence westerly to easterly 290.63 feet along the arc of a 60.00 foot radius curve to the right to a stone bound at a point of reverse curvature on the easterly line of Elmlawn Road;

Along the easterly street line of Elmlawn Road

Thence easterly 17.90 feet along the arc of a 30.00 foot radius curve to the left to a stone bound at a point of reverse curvature;

Thence easterly to southerly 148.14 feet along the arc of a 175.00 foot radius curve to the right to an angle point;

Thence turning and running S 45° 36' 59" W 2.50 feet to angle point;



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Thence turning and running southerly 107.41 feet along the arc of a 172.50 foot radius curve to the right to a stone bound at an angle point;

Thence turning and running S 83° 02' 59" W 2.55 feet to an iron rod cap at an angle point;

Thence turning and running S 06° 57' 01" E 94.92 feet to a stone bound at a point of curvature;

Thence southerly to easterly 28.31 feet along the arc of a 15.00 foot radius curve to the right to a stone bound at a point of tangency with said northerly street line of Roberts Street;

Thence turning and running along said northerly street line of Robert Street S 64° 53' 58" W 73.66 to the point and place of beginning.

The above described extension of Elmlawn Road including the 2.5 foot wide "SIDEWALK/GRASS STRIP EASEMENT" shown on the "Street Acceptance Plan..." is hereby accepted as a Public Way in the Town of Braintree, County of Norfolk, Commonwealth of Massachusetts together with all benefits and responsibilities currently appurtenant to the status of "Public Way" within the Commonwealth. All easements for roadway drainage shown on the referenced plan, and ownership of the drainage system within the roadway and to its discharge point(s) or at its (their) entrance to any detention basins, retention basins or similar stormwater impoundments are also accepted with this acceptance as a Public Way. Ownership and maintenance of other drainage easements, detention basins, infiltration/storage systems or similar stormwater impoundments is specifically excluded from this acceptance. Ownership and maintenance of overhead and underground electric, telephone, gas, and cable utilities is specifically excluded



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from this acceptance. This acceptance shall not be considered a fee taking. No damages are awarded. The Town does not accept any maintenance responsibility for any of the five "TRANSFORMER EASEMENTS" or of the "10 FOOT WIDE DRAIN EASEMENT" across Lots 2,3,4 and 5 shown on the "Street Acceptance Plan..." but acknowledges their intent and requires their continued existence and their maintenance by the underlying property owners suitable for the intended purposes.

YEAS: Bowes, Clifford, Hume, O'Brien, Owens, Powers, Ryan

NAYS: NONE

ABSENT: Kokoros, Mullaney

PASSED IN COUNCIL: MAY 13, 2014

PRESENTED TO MAYOR: MAY 19, 2014

A True Record, Attest:

MAY 20, 2014
Date Approved

James M. Casey
James M. Casey, Town Clerk

Joseph C. Sullivan
Joseph C. Sullivan, Mayor