



Braintree Town Council

ORDER NO: 14 061 (1)

DATE FILED: OCTOBER 10, 2014

REQUEST OF: K. Spillane LLC and Book She, LLC

DISCONTINUANCE OF CLIFF STREET AND PORTION OF LANCASTER ROAD

At the request of K. Spillane LLC and Book She, LLC that the Town Council vote to accept the discontinuance of Cliff Street and portion of Lancaster Road.

That pursuant to its authority under Massachusetts General Law Chapter 82 Sections 21 and 32A the Town Council move that Lancaster Road accepted as a public way by the Town of Braintree Annual Town Meeting on May 18, 1980 through Article 53 as referencing a plan entitled "Town of Braintree Plan Showing Cliff Street, Columbia Terrace, Lancaster Road as laid out by John F. Fehan, Town Engineer and recorded in the Norfolk County Registry of Deeds in Plan Book 282 as Plan No. 563 of 1980 on July 18, 1980, and also previously accepted by the Town of Braintree Annual Town Meeting of 1934 under Article 36, and further shown on a Plan filed with a petition dated September 25, 2014 prepared by DeCelle Burke & Associates entitled "PROPOSED DISCONTINUANCE" is hereby discontinued as a public way and further find it has been abandoned and unused for ordinary travel and that common convenience and necessity no longer requires it to be maintained in a condition reasonably safe and convenient for travel and further the Town declares it is no longer required to keep in repair the road as described as follows:

Portion of Lancaster Road

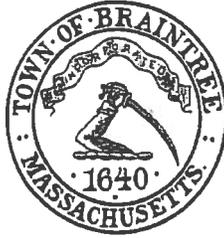
Beginning at a point in the southerly sideline of Hill Avenue at its intersection with the easterly sideline of the herein described Lancaster Road, said point being located 147.55 feet S72°51'20"W along the southerly sideline of the Hill Avenue from the most northeasterly corner of assessors' parcel "3047 0 88";

thence S85°05'53"W 49.04 feet along the southerly sideline of Hill Avenue to a point on the westerly sideline of Lancaster Road;

thence turning and running 12.13 feet along the arc of a curve to the right having a radius of 10.00 feet to a point of tangency on said westerly sideline of Lancaster Road;

thence S23°25'40"E 298.01 feet along said westerly sideline of Lancaster Road to a to a point on the northerly sideline of Cliff Street;

thence continuing on that same bearing 40.00 feet to a point on the southerly sideline of Cliff Street and another 341.40 feet through a drill hole in a concrete bound in said westerly sideline of Lancaster Road to the end point of this discontinuance;



Braintree Town Council

ORDER NO.: 14 061 (1)

PAGE 2

thence N66°34'20"E 40.00 feet along the end of this discontinuance to the endpoint of this discontinuance on the easterly sideline of Lancaster Road;

Thence N23°25'40"W 633.19 feet to the point of beginning.

The above described portion of Lancaster Road is hereby discontinued as a Public Way in the Town of Braintree, County of Norfolk, Commonwealth of Massachusetts, and therefore all benefits and responsibilities to the Town of Braintree currently appurtenant to the status of "Public Way" within the Commonwealth are discontinued. Any fee interest of the Town in the area within the above described limits is surrendered. This discontinuance shall not be construed as surrendering the rights of use or ownership of any other party appurtenant to the layout of Lancaster Road, and the portion of Lancaster Road previously accepted as a public way and outside of the above described area of discontinuance remains a public way.

YEAS: Bowes, Clifford, Kokoros, Mullaney, O'Brien, Owens, Ryan

NAYS: NONE

ABSENT: Hume, Powers

PASSED IN COUNCIL: JANUARY 6, 2015

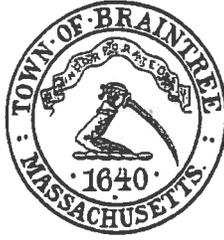
PRESENTED TO MAYOR: JANUARY 8, 2015

A True Record, Attest:

January 9, 2015
Date Approved 4:22 p.m.

James M. Casey
James M. Casey, Town Clerk

Joseph C. Sullivan
Joseph C. Sullivan, Mayor



Braintree Town Council

ORDER NO: 14 061 (2)

DATE FILED: OCTOBER 10, 2014

REQUEST OF: K. Spillane, LLC and Book She, LLC

DISCONTINUANCE OF CLIFF STREET AND PORTION OF LANCASTER ROAD

At the request of K. Spillane LLC and Book She, LLC that the Town Council vote to accept the discontinuance of Cliff Street and portion of Lancaster Road.

That pursuant to its authority under Massachusetts General Law Chapter 82 Sections 21 and 32A the Town Council moves that Cliff Street, accepted as a public way by the Town of Braintree Annual Town Meeting on May 18, 1980 through Article 53 as referencing a plan entitled "Town of Braintree Plan Showing Cliff Street, Columbia Terrace, Lancaster Road as laid out by John F. Fehan, Town Engineer and recorded in the Norfolk County Registry of Deeds in Plan Book 282 as Plan No. 563 of 1980 on July 18, 1980, and further shown on a Plan filed with a petition dated September 25, 2014 prepared by DeCelle Burke & Associates entitled "PROPOSED DISCONTINUANCE" is hereby discontinued as a public way and finds further that it has been abandoned and unused for ordinary travel and that common convenience and necessity no longer requires it to be maintained in a condition reasonably safe and convenient for travel and further the Town declares it is no longer required to keep in repair the road as described as follows:

Cliff Street

Beginning at a point in the easterly sideline of Columbia Terrace at its intersection with the northerly sideline of the herein described Cliff Street, said point being located at a point of curvature in said easterly sideline of Columbia Terrace 360.15 feet along that sideline from Hill Avenue;

thence S36°40'40"E 38.44 feet along the northerly sideline of Cliff Street to a point of curvature;

thence running 53.88 feet along the arc of a curve to the left having a radius of 40.22 feet to a point of tangency;

thence N66°34'20"E 200.06 feet to a point on the westerly sideline of Lancaster Road;

thence S23°25'40"E 40.00 feet along said westerly sideline of Lancaster Road to a to a point on the southerly sideline of Cliff Street;

thence S66°34'20"W 200.04 feet a point of curvature;

thence running 75.78 feet along the arc of a curve to the left having a radius of 63.78 feet to a point of compound curvature in said easterly sideline of Columbia Terrace;



Braintree Town Council

ORDER NO.: 14 061 (2)

PAGE 2

thence turning and running 151.25 feet along the arc of a curve to the left having a radius of 246.72 feet, along said easterly sideline of Columbia Terrace, to the point of beginning.

The above described Cliff Street is hereby discontinued as a Public Way in the Town of Braintree, County of Norfolk, Commonwealth of Massachusetts, and therefore all benefits and responsibilities to the Town of Braintree currently appurtenant to the status of "Public Way" within the Commonwealth are discontinued. Any fee interest of the Town in the area within the above described limits is surrendered. This discontinuance shall not be construed as surrendering the rights of use or ownership of any other party appurtenant to the layout of Cliff Street.

YEAS: Bowes, Clifford, Kokoros, Mullaney, O'Brien, Owens, Ryan

NAYS: NONE

ABSENT: Hume, Powers

PASSED IN COUNCIL: JANUARY 6, 2015

PRESENTED TO MAYOR: JANUARY 8, 2015

A True Record, Attest:

1/7/15
Date Approved

4:23 p.m.

James M. Casey
James M. Casey, Town Clerk

Joseph C. Sullivan
Joseph C. Sullivan, Mayor