

TOWN OF BRAINTREE IN COUNCIL

ORDER NO: 12 051

DATE: October 23, 2012

ORDERED: Compark Limited Partnership

Acceptance of Commerce Drive

At the request of Compark Limited Partnership that the Town Council vote to accept as a Town way the layout of Commerce Drive, a 2200 foot long cul-de-sac roadway running northwesterly to northerly from Grove Street, just west of the Weymouth Town Line, as said layout is shown on the two-sheet set of plans entitled "ACCEPTANCE PLAN FOR COMMERCE DRIVE", by ALPHA LANDSURVEYING & ENGINEERING ASSOCIATES, dated 02-01-2012 recorded herewith and also shown on plans of Commerce Drive recorded at Plan Book 386 as Plan No. 926 on 9/27/1989, and of Commerce Drive Extension recorded at Plan Book 465 as Plan No. 274 on 5/14/1999. A copy of the foregoing plan was filed with the office of the Town Clerk on March 27, 2012.

The description of the easterly and westerly sidelines is as follows:

Along the easterly street line of Commerce Drive: beginning at a point on the northerly street line of the 1946 County Layout of Grove Street, in front of number 600 Grove Street, said point being the most southeasterly corner of the here-in described Commerce Drive Layout; thence westerly to northerly 41.79 feet along the arc of a 30.00 foot radius curve to the right to a point of reverse curvature; thence northerly to northwesterly 215.77 feet along the arc of a 375.00 foot radius curve to the left to a drill hole in a stone bound at a point of tangency; thence N 52°06' 51"W 108.20 feet to a point of curvature; thence northwesterly 145.38 feet along the arc of a 300.00 foot radius curve to the right to a drill hole in a stone bound at a point of tangency; thence N 24° 20' 53" W 275.07 feet to a drill hole in a stone bound at a point of curvature; thence northwesterly to northerly 148.70 feet along the arc of a 300.00 foot radius curve to the right to a drill hole in a stone bound at a point of tangency; thence N 04° 03' 09"E 782.58 feet to a drill hole in a stone bound at a point of curvature for a cul-de-sac curve; thence northerly to northeasterly 37.98 feet along the arc of a 30.00 foot radius curve to the right to a drill hole in a stone bound at a point of reverse curvature; thence northeasterly to westerly 198.59 feet along the arc of a 70 foot radius curve to the left to a point where the easterly street line of so-called Commerce Drive Extension began; thence turning and running N 04° 03' 09"E 184.61 feet to a drill hole in a stone bound at a point of curvature for a cul-de-sac curve; thence northerly to northeasterly 37.98 feet along the arc of a 30.00 foot radius curve to the right to a bound at a point of reverse curvature; thence northeasterly to southerly 308.53 feet along the arc of a 70 foot radius curve to the left to a point on the westerly street line of so-called Commerce Drive Extension and on the westerly street line of the herein described Commerce Drive; **Along the westerly street line of Commerce Drive:** thence S 04°03'09"W 1227.96 feet and through a drill hole in a stone bound 350.00 feet away to a point of curvature; thence southerly to southeasterly 183.40 feet along the arc of a 370.00 foot radius curve to the left to a drill hole in a stone bound at a point of tangency; thence S 24°20'53"E 275.07 feet to a point of curvature; thence southwestly 179.30 feet along the arc of a 370.00 foot radius curve to the left to a drill hole in a stone bound at a point of tangency; thence S 52°06'51"E 108.20 feet to a point of curvature; thence

southwesterly 158.79 feet along the arc of a 305.00 foot radius curve to the right to a point of compound curvature; thence southeasterly to westerly 52.07 feet along the arc of a 30.00 foot radius curve to the right to a point of tangency with said northerly street line of Grove Street; thence turning and running along said northerly street line of Grove Street N77°10'00"E 111.36 and 17.90' along the arc of a 240.86 foot radius to the left to the point and place of beginning.

Easements for Roadway Purposes

Part of the Commerce Drive roadway is constructed outside of the above described street lines and so Permanent Easements for Roadway Purposes have been established across the Massachusetts Bay Transportation Authority's commuter rail right of way at the street crossing, and across the southeast corner of land now or formerly of Frito Lay Inc., Assessors' Map 1118 Lot 8A. The MBTA easement is recorded at the Norfolk County Registry of Deeds at Book 11929, Pages 526 through 528. The Easement for Roadway Purposes across the Frito-Lay property is shown on the "Easement Sketch Plan" by Alpha Land Surveying & Engineering Associates dated April 27, 2005 and recorded at the Norfolk County Registry of Deeds at Book 23963, Pages 40 through 42.

Surety

Furthermore, a \$30,000 surety shall be paid to the Town to secure construction of a center island near the cul-de-sac to prevent parking in the cul-de-sac.

The above described Commerce Drive including the Easements for Roadway Purposes 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 drainage easements 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 detention basins, retention basins 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 from this acceptance. This acceptance shall not be considered a fee taking. No damages are awarded. Further, the Mayor and the Department of Public Works are authorized to take any action necessary to carry out this vote.

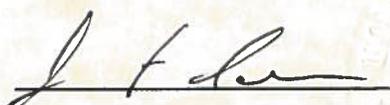
YEAS: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan

NAYS: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan

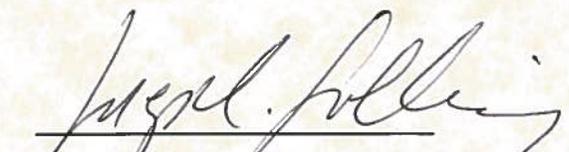
ABSENT: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan

Passed in Council: January 22, 2013
Presented to Mayor: January 23, 2013
A True Copy, Attest:

February 1, 2013
Date Approved



Joseph F. Powers, Town Clerk



Joseph C. Sullivan, Mayor

