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IN BOARD OF ALDERMEN

March 2, 1959

WHEREAS, in the opinion of the Board of Aldermen of the City of Newton, the public necessity and convenience require that a certain parcel of land on Crafts Street, southerly side, west of California Street, should be taken in fee for municipal purposes, to wit: playground and recreational purposes, it is therefore

ORDERED: That the following described parcels of land be and the same are hereby taken in fee for municipal purposes.

DESCRIPTION OF LAND TAKEN

Parcel 1

Beginning at a point in the southwesterly line of Crafts Street distant 275.21 feet northwesterly from the northwesterly tangent point of a curve of 480.03 feet radius in said southwesterly line of Crafts Street; thence southeasterly 275.21 feet; thence by a curve to the right in a southeasterly direction of 480.03 feet radius, 88.11 feet; thence by a curve to the right in a southeasterly direction of 674.44 feet radius, 125.50 feet, the last three described lines being by Crafts Street and over land of Devises of Florence Gladys Avery Labart; thence S.12°15'19"W. 178.34 feet by Lot 2 as shown on Plan of Land in Newton, Mass., dated February 13, 1959, Everett M. Brooks Company, Civil Engineers; thence S.29°35'19"E. 137.00 feet by Lot 1-B, the last two described lines being over said land of Devises of Florence Gladys Avery Labart; thence S.55°21'40"E. 108.89 feet by Lot 6-B over land of May Urquart Avery; thence S.20°25'52"W. 142.03 feet; thence southeasterly 78.95 feet, the last two described lines being by land now or formerly of Fewkes; thence southwesterly 82.00 feet by Lot 7; ^{and over land of May Urquart Avery} thence southwesterly 118.27 feet by land now or formerly of Fred L. Atwell; thence northwesterly 386.02 feet by the end of Edinboro Street and by Lot 9; thence northwesterly 429.00 feet; thence more westerly 183.20 feet; thence more northerly 100.40 feet; thence northeasterly 93.60 feet to the point of beginning, the last four described lines being by land of the City of Newton (Albemarle Playground); said parcel containing 347,794 square feet of land.

The above described parcel is shown as Lots 1-A, 6-A and 8.

Parcel 2

Beginning at a point in the easterly line of Edinboro Street at the northerly end of Edinboro Street; thence easterly 158.12 feet by land now or formerly of Fred L. Atwell and by the end of Minot Place; thence southerly 22.95 feet by lands of the City of Newton and Estelle B. Canyon; thence westerly 158.00 feet by land of George A. Chalmers and Mary A. Chalmers; thence northerly 28.22 feet by Edinboro Street to the point of beginning; said parcel containing 4,042 square feet of land.

The above described parcel is shown as Lot C.

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SEE PLAN IN RECORD BOOK 92 42 - PAGE 392

The above described parcels are all as shown on said Plan of Land in Newton, Mass., dated February 13, 1959, Everett M. Brooks Company, Civil Engineers.

The above described parcels are shown on a plan numbered 35101 entitled "Crafts Street, Southerly side, West of California Street, Land Taken in Fee for Municipal Purposes", March 2, 1959, U. M. Schiavone, City Engineer, and recorded with the Engineering Department.

The above described parcels of land so far as known to the Board of Aldermen, belong to the following persons:

Devisees of Florence Gladys Avery Lebert
Merchants National Bank of Boston, Mtgee.

May Urquart Avery
Mattapan Cooperative Bank, Mtgee.

It is further

ORDERED: That, if so required by the owners of said property as part of an agreement settling the amount of damages for the foregoing taking, His Honor the Mayor be and is hereby authorized to enter into an agreement in form satisfactory to the City Solicitor imposing upon the property herein described and taken in fee for municipal purposes the following restrictions:

1. That the area of approximately 2.5 acres shown as "Wooded Area" on the plan above referred to will be maintained by the City as a wooded recreation area, provided that in the event of the destruction of all or a part of said area by some natural disaster such as hurricane or fire, the City will restore the area by the process of natural growth and such planting as it deems most appropriate for the area without reducing its size or changing its use or purposes from that of a wooded recreation area.
2. That the property so purchased will be named the "Avery Memorial Park" and will be used for general recreation and playground purposes.
3. That the grantors shall have the right to erect a memorial in memory of Mr. and Mrs. Charles F. Avery suitable to the purpose thereof and to the area and use of the land in question, and
4. That if the City continues to maintain the building now numbered 346 Crafts Street, which, however, the City shall not be obligated to do, it will keep the building in reasonably good condition and repair.

It is further

ORDERED: That the sum of Thirty-Seven Thousand One Hundred and Fifty-Nine Dollars and Sixty Cents (\$37,159.60) plus an amount equal to the taxes on said property for the year 1959, of which amount Two Thousand Five Hundred Dollars (\$2,500.00) is to be taken from sale of playground land and Thirty-Four Thousand Six Hundred Fifty-Nine Dollars and Sixty Cents (\$34,659.60) plus an amount equal to such 1959 taxes is to be taken from Surplus Available be and is hereby appropriated, granted, and expenditure authorized by the Law Department under direction of His Honor the Mayor as awards for damages to be paid to the following individuals with the respective awards against their names:

Executors or devisees of Florence Gladys Avery Lebert Merchants National Bank of Boston, Mtgee.	\$ 33,551.54
May Urquart Avery Mattapan Cooperative Bank, Mtgee.	3,608.06

Under Suspension of Rules
Read and Adopted
17 Yeas 7 Absent
(Ald. Cannon, Flaschner, Hovey,
Morang, Powers, Prentice &
Sharf Absent)

EXECUTIVE DEPARTMENT

Approved..... March 4.....1959

(Sgd) MONTE G. BASBAS City Clerk

(Sgd) HOWARD WHITMORE, JR. Mayor

(Sgd) EARLE D. WOOD Chairman of
Committee on Finance

