

## **DISCONTINUANCE OF BILLINGS STREET**

### **TOWN OF RANDOLPH**

- WHEREAS: Scanlon Suburban LLC, Core Investments Development LLC and Randolph Transportation Realty LLC (the “Petitioners”) filed a petition to discontinue Billings Street pursuant to M.G.L. c. 82, Section 21 with Brian Howard, Town Manager and the members of the Randolph Town Council on February 9, 2024; and
- WHEREAS: The Petitioners own the majority of the property directly adjacent to and having frontage on both the north and south sides of Billings Street, including Town Assessor’s Parcels Lot 02-C-1.438 (43 Scanlon Drive), Lot 02-B-1.LA, Lot 02-C-002.2, and Lot 02-C-8.18-19 (6 Billings and 493 High Street); and
- WHEREAS: An additional parcel not owned by the Petitioners is directly adjacent to Billings Street, being Assessor’s Parcel Lot 02-C-8.18-19; and
- WHEREAS: The Town of Randolph owns the fee interest of Billings Street as a Public town way by virtue of an eminent domain taking by the Commonwealth of Massachusetts through its Department of Public Works on behalf of the Town of Randolph pursuant to the Special Acts of 1948, Chapter 448, as set forth in Massachusetts State Highway Order of Taking No. 4604 recorded at the Norfolk County Registry of Deeds in Book 3595, Page 451, as further shown in Plan Book 204, Pages 1072-1073; and
- WHEREAS: By virtue of section 21 of chapter 82 of the General Laws, the Town Council has authority to discontinue, alter and layout anew all streets, ways and public highways or town ways previously laid out or established within the limits of the town; and
- WHEREAS: After due notice and publication, the Town Council held a public hearing at Randolph Town Hall on April 29, 2024, on the matter of the petition to discontinue Billings Street, where it voted by unanimous decision to refer the matter to the Town Planning Board pursuant to M.G.L. c. 41, Section 81G, and to continue the public hearing to June 10, 2024; and
- WHEREAS: the Town Council has adopted the Official Map of the Town of Randolph on \_\_\_\_\_, 19\_\_\_\_, under the provisions of section 81E of chapter 41 of the General Laws; and
- WHEREAS: The Town Planning Board at a meeting held on May 14, 2024, voted favorably to recommend to the Town Council to discontinue Billings Street pursuant to M.G.L. c. 41, Section 81G; and
- WHEREAS: Section 15 of chapter 40 of the General Laws provides that any land, easement, right or part thereof acquired by the town that is no longer required for public

purposes may be disposed of and conveyed upon terms and conditions as authorized by said provisions; and

WHEREAS: The commissioner of public works, in accordance with Section 15A of chapter 40, has reported her determination to the Town Council that Billings Street is no longer needed for public street purposes and recommends that it be discontinued as a public way; and

WHEREAS: a ten foot wide sewer easement exists within the public right of way of Billings Street as recorded at the Registry at Book 4842, Page 385 (the "Sewer Easement"); and

WHEREAS: said Billings Street is shown on the plan entitled "Billings Street Discontinuance Plan of Land, Billings Street, Randolph, MA" ("the Plan"), dated \_\_\_\_ \_\_\_\_, 2024, prepared by CHA, filed of even date with the recording of this Order in the Norfolk County Registry of Deeds in Plan Book \_\_\_\_, Plan \_\_\_\_ (hereinafter, the "Plan").

NOW THEREFORE, it is hereby ADJUDGED and DECREED that common necessity and convenience no longer require Billings Street, as shown on the Plan and further described in Exhibit A and herein referred to as "the Discontinued Area," and the same shall be **discontinued** upon the recording of this Order at the Norfolk County Registry of Deeds, and fee title thereto shall revert to each adjacent parcel owner to the Discontinued Area to the centerline of said Discontinued Area; and

BE IT ORDERED, *that*:

1. Billings Street as hereby discontinued as public way as shown on the Plan and further described in Exhibit A and herein referred to as "the Discontinued Area," such discontinuance to be effective upon the recording of this Order at the Norfolk County Registry of Deeds, and fee title thereto shall revert to each adjacent parcel owner to the Discontinued Area to the centerline of said Discontinued Area as further shown on the Plan; and
2. The Discontinued Area formerly known as Billings Street shall revert from the Town's ownership as set forth herein, subject to the Sewer Easement, which may be discontinued or relocated by an amendment to that agreement recorded at the Norfolk County Registry of Deeds; and
3. The Randolph Town Council hereby authorizes the Town Manager to execute any map, plan, deed, easement, amendment or other related agreements or documents as necessary for the Town of Randolph to discontinue Billings Street, and to take any other action necessary to carry out this discontinuance and real estate transfer of the Discontinued Area to the adjacent property owners as set forth on the Plan, and to discontinue or relocate the Sewer Easement.

4. The Town Council hereby further authorizes all maps maintained by the Town of Randolph, official or otherwise, to be amended to reflect this change in public ways upon the recording of the required maps and deeds at the Norfolk County Registry of Deeds, including the Official Map pursuant to G.L. c. 41, §81H, by removing the Discontinued Area.

**TOWN OF RANDOLPH**  
**DECREE OF DISCONTINUANCE**

In accordance with an order of the Randolph Town Council adopted on \_\_\_\_\_, 2024, relating to the discontinuance, removal and abandonment of Billings Street, a public street, I, Brian Howard, Town Manager of the Town of Randolph, on behalf thereof, hereby declare and decree the Town's ownership for street purposes in the parcel of land described in said order be and is hereby discontinued, transferred and conveyed in accordance with said order.

Executed as a sealed instrument this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

TOWN OF RANDOLPH

\_\_\_\_\_  
Brian Howard  
Town Manager

**THE COMMONWEALTH OF MASSACHUSETTS**

NORFOLK, SS \_\_\_\_\_, 2024

On this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, the undersigned notary public, personally appeared Brian Howard and proved to me through satisfactory evidence of identification, which was a driver's license, to be the person whose name is signed on the preceding document and acknowledged to me that he signed the document voluntarily for its stated purpose as town manager of the town of Randolph.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

EXHIBIT A

LEGAL DESCRIPTION OF DISCONTINUED AREA AND PLAN OF DISCONTINUANCE