

ECONOMIC DEVELOPMENT ADMINISTRATION
CERTIFICATE AS TO PROJECT SITE, RIGHTS-OF-WAY, AND EASEMENTS
Part One
Certificate of Engineer

I, the undersigned Engineer, certify that I am familiar with the design of the

_____ *(Name or Type of Facility)*

being constructed by _____

(Name of Owner)

as part of EDA Award Number _____ and that all of such facilities will be constructed wholly within the land, leasehold interest and rights-of-way and/or existing public streets and roads described below. I further certify that the land, leasehold interest, and rights-of-way being purchased as hereinafter described are sufficient, but not in excess of actual needs for the Project as planned and approved by the Owner.

1. The Owner holds or will hold fee title or a long-term leasehold interest on the following property. (Aboveground Project elements should be constructed on land to which the Owner possesses fee simple title. Describe each tract, whether presently owned or to be acquired, and indicate what Project element is to be constructed on each (i.e., tank site, pumping station, treatment plant, etc.). If more space is needed please attach additional documentation and label each additional page "Exhibit 1A").

2. The following easements and rights-of-way will be required for this Project. (Describe each easement and/or right-of-way, whether presently owned or to be acquired, by name of current owner and by metes and bounds, including the area in acreage. If more space is needed, please attach additional documentation and label each additional page "Exhibit 1B").

3. The following state, railroad, highway, or other permit(s) will be required. (Describe the location for which any permit will be needed and the name of the permitting entity. If more space is needed, please attach additional documentation and label each additional page "Exhibit 1C").

WITNESS MY HAND, this the _____ day of _____, 20 _____.

Registered Professional Engineer

Address

City State

Telephone

(This "Certificate of Engineer" is to be completed by the Owner's Architect/Engineer and forwarded to the Owner's Attorney).

Part Two
Title Opinion

I, _____, Attorney-at-Law, representing
_____ (hereinafter the "Owner") do hereby certify that:

1. I have examined the public records of _____ County,
State of _____ from the period of _____
to _____, 20_____ (which period of time should be at least 40 years).

Based upon said examination, I find and am of the opinion that _____

_____ is vested with marketable, fee simple title to the land referenced in Part One hereof as being required in fee, subject only to the following liens, encumbrances, and objections. (If additional space is needed, please attach additional documentation and mark each page "Exhibit 2A." If there are no encumbrances on the Owner's fee simple title, please write "None").

Any encumbrances or objections to the fee simple title listed above will not, in my opinion, restrict or interfere with the contemplated construction, use or purpose of the aforesaid EDA Project.

2. This is to further certify that: (i) all long-term leases needed for the Project as described in Part One above have been acquired by the Owner; and (ii) all easements or rights-of-way needed for the Project as described in Part One above have been entered into by the Owner. In addition, I have examined the instruments creating the long-term leases, easements, and/or rights-of-way described in Part One; and it is my opinion that said instruments are valid as to form and substance for the purposes intended and provide the Owner with sufficient interest to construct and maintain the Project facilities.

I certify that I have examined the public records to ascertain that said easements and/or rights-of-way have been obtained from the record owner(s).

3. The extent of said title examination and/or public record search is sufficient for the purpose of establishing the validity of the title to said property and for the purpose of determining outstanding restrictions, liens, encumbrances, and ownership interests pertaining thereto.

4. All permits required for the Project as described in Part One above have been obtained. I have examined all of said permits and am of the further opinion that said permits are valid as to form and substance for the purposes intended.

5. Remarks and Explanations. (If additional space is needed, please attach additional documentation and mark each page "Exhibit 2B").

WITNESS MY HAND, this the _____ day of _____, 20_____.

Attorney

Address

City

State

Telephone

- ◆ It is the sole responsibility of the Recipient of the EDA Award to provide a legal opinion verifying that the Recipient has good title to all property required for completion of the Project as defined by the grant award.
- ◆ A long term leasehold interest is acceptable only if held by the Recipient of the EDA Award for a period not less than the estimated useful life of the Project and only if lease provisions adequately safeguard EDA's interest in the Project.
- ◆ Only legal descriptions of the property described herein should be attached to this form.
- ◆ If this title opinion is based on a title insurance policy, any exceptions listed on the policy should be explained and resolved in #5 above.
- ◆ EDA relies on this title opinion and does not make independent findings regarding title to the property described herein.

Part Three
Owner's Certification Regarding Eminent Domain

I, the undersigned _____
(Insert Title)

of the Owner, referenced in Part One above, do hereby certify and confirm that:

1. The Owner will not use any available power of eminent domain (including the commencement of eminent domain proceedings) for the purpose of advancing the economic interests of private parties in connection with any property comprising the Project.
2. To the best of my knowledge and belief, prior to the Effective Date of this Certification, the Owner has not exercised any available power of eminent domain (including the commencement of eminent domain proceedings) for the purpose of advancing the economic interests of private parties in connection with any property comprising the Project.
3. The Owner was or will be required to properly use an available power of eminent domain in connection with the following aspects of the Project. (If more space is needed, please attach additional documentation describing the location and purpose of the Owner's proper use of eminent domain as an attachment and label each additional page "Exhibit 3A". If the use of eminent domain is not anticipated, please mark this section "N/A").
4. If an available power of eminent domain may be used in connection with the Project, the Owner will immediately contact the EDA regional office.
5. I am authorized on behalf of the Applicant to make this Certification which is binding on the Applicant.

WITNESS MY HAND, this the _____ day of _____, 20 _____.

Name

Address

City State

Telephone