

ECONOMIC DEVELOPMENT ADMINISTRATION
CERTIFICATE AS TO PROJECT SITE, RIGHTS-OF-WAY, AND EASEMENTS
FOR
LANDS HELD IN TRUST FOR THE BENEFIT OF AN INDIAN TRIBE

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 Recipient)

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 Recipient.

1. The Recipient is the beneficial owner of the following property. (Aboveground Project elements should be constructed on land that the United States holds in trust for the benefit of the Recipient. 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 are required for this Project. (Describe each easement and/or right-of-way, include appropriate plat, tract, or parcel number, or a metes and bounds description, and the acreage or square footage covered. 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) are be required. (Describe the location for which any permit is 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 Recipient's Architect/Engineer and forwarded to the Recipient's Attorney).

Part Two
Title Opinion

I, _____, Attorney-at-Law, representing
_____ (hereinafter the “Recipient”) do hereby certify that:

I have examined the enclosed Title Status Report (“TSR”)(Exhibit 2A) from the Bureau of Indian Affairs [or “public records from _____ for the time period of _____ to _____”]
[optional: “and enclosed Title Report dated _____”]. Based upon said examination, I find and am of the opinion that the United States holds in trust for the benefit of the Recipient the land referenced in Part One, subject only to the liens, encumbrances, and objections listed on the TSR and below, if applicable. (If additional space is needed, please attach additional documentation and mark each page “Exhibit 2B.” If there are no additional encumbrances on the land , please write “None”).

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

1. 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 Recipient; and (ii) all easements or rights-of-way needed for the Project as described in Part One above have been entered into by the Recipient. 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 Recipient with sufficient interest to construct and maintain the Project facilities.

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

2. The extent of said title examination and/or public record search, if applicable, 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.

3. All real property related 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.

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

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 land required for completion of the Project as defined by the grant award is held in trust by the United States for the benefit of the Recipient and/or the Recipient has other appropriate property(s) interest as needed for the project, such as fee simple title or an easement.

◆ 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.

◆ EDA relies on this title opinion and does not make independent findings regarding title to the property described herein.

Part Three
Recipient's Certification Regarding Eminent Domain

I _____
(Insert Title)

certify and confirm that:

1. To the best of my knowledge and belief, prior to the Effective Date of this Certification, the Recipient did not and is not planning to exercise 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. If an available power of eminent domain may be used in connection with the Project, the Recipient will immediately contact the EDA regional office.

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

Name

Address

City

State

Telephone