

**(SAMPLE)**  
U.S. Department of Commerce  
National Institute of Standards and Technology

**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/Type of facility)

being constructed by the \_\_\_\_\_   
(Name of Owner)

as part of NIST Grant No. \_\_\_\_\_ and that all of such facility will be constructed wholly within the land, leasehold interest and rights-of-way hereinafter described and existing public streets and roads. 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. Fee Title or a long term leasehold interest is required for the following property (Project elements constructed above ground should be on land owned in Fee. Describe each tract, whether presently owned or to be acquired, and indicate what Project element is to be constructed thereon; if more space is needed use additional sheets marked ("Exhibit A")):
2. The following easements and rights-of way will be required for this project (describe each easement and right-of-way, whether presently owned or to be acquired. Describe by courses and distances and by name of Owner, including area in acres; if more space is needed use additional sheets marked "Exhibit B")):
3. The following state, railroad, highway or other permits will be required (describe location and name of permitter; if more space is needed use additional sheets marked "Exhibit C")):

WITNESS MY HAND, this the \_\_\_\_\_ day of \_\_\_\_\_, 2009

\_\_\_\_\_  
Registered Professional Engineer

\_\_\_\_\_  
Telephone No.

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

(TO BE COMPLETED BY ARCHITECT/ENGINEER AND FORWARDED TO 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 record of \_\_\_\_\_ County, \_\_\_\_\_ State  
from the period of \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, \_\_\_\_\_ (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 to the following liens,  
encumbrances and objections (If none 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 NIST project.

2. This is to further certify that all easements or rights-of-way described in Part One as  
being needed for the noted project have been acquired by the owner, that all long term  
leases described in Part One as being needed for the noted project have been entered into  
by the owner, that I have examined the instruments creating the easements, rights-of-way,  
or long term leases 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 facility.

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

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

4. All permits described in Part One as being needed for this project have been obtained  
and 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:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney-at-Law

Telephone No. \_\_\_\_\_

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

- It is the sole responsibility of the Recipient of the NIST grant 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 is acceptable only if held by the recipient of the NIST grant award for a period not less than the estimated useful life of the project and only if lease provisions adequately safeguard NIST'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.
- NIST relies on this title opinion and does not make independent findings regarding title to the property described herein.