

State Revolving Fund (SRF)

Requirements for a Clear Site Certificate

The certificate must certify to the following:

- (1) That all real property (including easements) acquired for the entire project funded by SRF regardless of whether or not SRF participates in the cost of purchasing the real property (including easements) was acquired in accordance with the Surface Transportation and Uniform Relocation Assistance Act of 1987 as set forth in 49 CFR Part 24.
- (2) That a qualified Title Counsel has examined the title and other appropriate records and that the loan recipient has legal and valid estate or interest in the property and shall have assured undisturbed use of all property (including easements) for the estimated life of the property.
- (3) That a fee simple or such other estate or interest in the project site(s) shall be retained for the estimated life of the project to assure undisturbed use of the site(s).

In the case of real property purchased with SRF assistance for use as an integral part of the treatment process/works or for ultimate disposal of residues resulting from such treatment, the following or similar statement must be attached to the certificate:

“Special Certificate for Real Property Purchased with SRF Assistance”

In consideration of that assistance, the loan recipient certifies and agrees that the subject realty shall be held in accordance with the provisions as stated in 49 CFR Part 24.

The loan recipient further certifies that the title to the land has been encumbered under the requirements of State and local laws to adequately protect the interest of the United States.

The amount and type of each search required, in the case of easements or leases, for a site certificate is whatever is needed to satisfy the Title Attorney that the loan recipient has a right under State and local laws to access and undisturbed use of the site for the life of the project. The loan recipient’s interest in real property (including easements) must be valid and defensible in a Court of Law. In respect to real property acquired in fee simple, the loan recipient must be assured a marketable title with no encumbrances except that which protects the Federal government’s interest. A responsible and qualified Title Counsel will know the extent of search and the interest in the site required in order to provide these assurances and certifications.

The purchase of real property (including easements) with drinking water SRF funds must be from a willing seller. Drinking water SRF funds may not be used to acquire real property through condemnation.

Clear Site Certificate – Loan Recipient

This certificate is to be completed by the loan recipient and submitted with the SRF Loan Application or at the time the plans and specifications are submitted.

If all or part of the real property required for the project must be acquired after the Federally Assisted Wastewater Revolving Fund (FAWRF) Loan is awarded because of Federal or State requirements as in the case of real property to be used for land treatment, this certificate must be completed and submitted as soon as that property is acquired. (See Limited Certificate for Federal/State Requirements)

If all or part of the real property required for the project is under condemnation proceedings, the certificate will be submitted as soon as condemnation is completed. (See Limited Site Certificate for Condemnation)

STATE REVOLVING FUND

CLEAR SITE CERTIFICATE – Loan Recipient

KIA Loan/Project Number: _____

I certify that the loan recipient, _____, has acquired all real property including easements and rights-of-way that are or will be required for construction, (erection, extension, modification, addition) operation and maintenance of the entire treatment works project identified above.

I certify that the Legal Applicant will not use Drinking Water SRF funds for the purchase of real property (including easements) unless the purchase is from a willing seller.

I certify that, if other Public Water Systems (PWSs)/municipalities are served by the treatment works project identified above, those PWSs/municipalities have acquired real property including easements and rights-of-way required for service to those PWSs/municipalities.

I certify that the Title Counsel’s Certification given on the attached certificate covers all real property including easements and rights-of way required for construction, operation and maintenance of the entire treatment works project identified above.

I further certify that all real property including easements required for the entire treatment works project identified above, acquired in accordance with the requirements of the Surface Transportation and Uniform Relocation Assistance Act of 1987 as set forth in 49 CFR Part 24.

Dated this _____ day of _____, 20_____

Loan Recipient’s Authorized Representative

Title (Mayor, City Manager, Commissioner, etc.)

Clear Site Certificate – Title Counsel

This certificate is to be completed after all real property including easements and rights-of-way have been acquired and Title Counsel has determined that the loan recipient will have legal right to undisturbed use of the total project site for the entire life of the project.

This certificate must be submitted with the SRF Loan Application or at the same time the plans and specifications are submitted.

If real property can only be acquired after the award of a SRF Loan because of Federal requirements, this certificate will be submitted as soon as the property is acquired. (See Limited Certificate for Federal or State Requirements)

If real property is acquired by condemnation, this certificate will be submitted when condemnation is complete. (See Limited Site Certificate for Condemnation)

STATE REVOLVING FUND

CLEAR SITE CERTIFICATE – Title Counsel

KIA Loan/Project Number: _____

I, _____, Attorney at Law, representing the _____ as Title Counsel, do hereby certify:

1. That I have investigated and ascertained the location of, and am familiar with the legal description of the site or sites being provided by the Loan Recipient for all elements of the Treatment Works Project identified above to be constructed (modified, extended, improved, altered) operated and maintained in and upon such site or sites.
2. That I have examined the deed records of the county or counties in which such a project is to be located and in my opinion, the Loan Recipient has a legal and valid fee simple title or such other estate or interest in the site of the project, including necessary easements and rights-of-way sufficient to assure undisturbed use and possession for the purpose of construction, operation and maintenance for the estimated life of the project.
3. That any deeds or documents required to be recorded in order to protect the title of the owner and the interest of the Loan Recipient have been duly recorded and filed for record wherever necessary.
4. That, if applicable, the title to real property for which the State Revolving Fund has funded the cost has been encumbered in accordance with the requirements of State and local law to adequately protect the interest of the United States.
5. Remarks:

Dated this _____ day of _____, 20_____

Attorney at Law

Address

Limited Site Certificate (Federal/State Requirements) – Loan Recipient

Federal/State Law prohibits site acquisition prior to loan application.

This certificate is to be completed and submitted with the SRF loan application, if all or part of the real property required for the project site must be acquired after the SRF loan agreement is executed because of State or Federal requirements. The documentation listed on the certificate must be submitted with the certificate.

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LIMITED SITE CERTIFICATE – Loan Recipient

(Federal/State Law requirements – Site Acquisition Prior to Loan Agreement)

KIA Loan/Project Number: _____

I certify that the Loan Recipient is prohibited by Federal/State Law or Regulation from acquiring _____ (real property - easements - rights-of-way) prior to receiving a loan for all elements of the treatment project identified above. The following documents submitted in support of this certification are attached:

1. The appropriate designation (parcel number, reference code, etc.) for the property site.
2. The State or Federal requirements that prohibits the acquisition of property rights, or bonafide options, or initiation of formal condemnation proceedings, prior to loan agreement.
3. Future actions required to obtain in the property or property rights, and a schedule of these actions.

I certify that all sites not subject to the Federal/State prohibition have been acquired and that they were acquired in accordance with the Surface Transportation and Uniform Relocation Assistance Act of 1987 as set forth in 49 CFR Part 24.

I certify that the loan recipient will not use drinking water SRF funds for the purchase of real property (including easements) unless the purchase is from a willing seller.

I certify that the attached Title Counsel’s certification covers all real property, easements and rights-of-way acquired for treatment works project identified above, except that described on the attachment.

Dated this _____ day of _____, 20_____

Loan Recipient’s Authorized Representative

Title (Mayor, City Manager, Commissioner, etc.)

Limited Site Certificate (Condemnation) – Loan Recipient

Condemnation Proceedings - This certificate is to be completed when all or part of the real property needed for the project is being acquired by condemnation.

A description or appropriate designation of the real property (parcel number, reference code, etc.) and a schedule for completion of acquisition must be attached.

Drinking water SRF funds may not be used to acquire real property through condemnation.

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LIMITED SITE CERTIFICATE – Loan Recipient
(Condemnation Proceeding)

KIA Loan/Project Number: _____

I certify that the Loan Recipient, _____, has entered into condemnation proceedings for the real property and/or easements described on the attached sheet(s). All other real property including easements and rights-of-way that are required for the construction (erection, extension, modification, addition to) operation and maintenance of the entire treatment works project identified above have been acquired.

I certify that, if other Public Water Systems (PWSs)/municipalities are served by this treatment works project identified above, those PWSs/municipalities have acquired all real property including easements and rights-of-way required for service to those PWSs/municipalities except those described on the attached sheet(s) which are under condemnation procedures.

I certify that the Title Counsel’s certification given on the attached certificate covers all real property including easements and rights-of-way required for construction, operation and maintenance of the entire wastewater treatment works project identified above except those that are under condemnation procedures.

I certify that all real property including easements required for the entire treatment works project identified above, that has already been acquired, was acquired in accordance with the requirements of the Surface Transportation and Uniform Relocation Assistance Act of 1987 as set forth in 49 CFR Part 24.

I certify that the Loan Recipient complied with 49 CFR Part 24 in its efforts to acquire by negotiation real property including easements described on the attached sheet(s) prior to entering into condemnation proceedings. I further certify that the fair market value of this real property including easements has been deposited with the Court and that the Court has issued a “right of entry” to these properties so that construction can begin and be completed without interruption.

Dated this _____ day of _____, 20____

Loan Recipient’s Authorized Representative

Title (Mayor, City Manager, Commissioner, etc.)

Limited Site Certificate (Condemnation - Federal/State Requirements) – Title Counsel

This certificate must be used only when part of the real property required for the project must be acquired by condemnation or after the SRF loan agreement is executed. The certificate will be attached to the loan recipient's applicable certificate and submitted with the loan application or at the same time as the plans and specifications are submitted.

Drinking water SRF funds may not be used to acquire real property through condemnation.

STATE REVOLVING FUND

LIMITED SITE CERTIFICATE – Title Counsel
(Condemnation – Federal/State Requirements)

KIA Loan/Project Number: _____

I, _____, Attorney at Law, representing
the _____ as Title Counsel, do
hereby certify:

1. That I have investigated and ascertained the location of, and am familiar with the legal description of the site or sites being provided by the Loan Recipient for all elements of the Treatment Works Project identified above to be constructed (modified, extended, improved, altered) operated and maintained in and upon such site or sites.
2. That I have examined the deed records of the county or counties in which such a project is to be located and in my opinion, the Loan Recipient has a legal and valid fee simple title or such other estate or interest in the site of the project, including necessary easements and rights-of-way sufficient to assure undisturbed use and possession for the purpose of construction, operation and maintenance for the estimated life of the project, except those described on the attached sheet(s) which are either under condemnation proceeding or cannot be acquired prior to award of federal assistance because of State or Federal Law.
3. That any deeds or documents required to be recorded in order to protect the title of the owner and the interest of the Loan Recipient have been duly recorded and filed for record wherever necessary, except those described on the attached sheet(s) which are either under condemnation proceedings or cannot be acquired prior to award of federal assistance because of State or Federal Law.
4. Remarks:

Dated this _____ day of _____, 20_____

Attorney at Law

Address