

Applicants are responsible for obtaining continuous and adequate rights-of-way and interests in land needed for the construction, operation and maintenance of the facility, and identifying all easements on property owned by the Applicant as defined in RD Instruction 1942.17(j). The Applicant must provide a legal opinion relative to the title to rights-of-way and easements. In addition, the following requirement apply:

1. On properties and easements owned or acquired by the Applicant, the following is required:
  - a. On land owned or acquired, a map must be prepared showing all easements on the property.
  - b. For projects that require utility pipeline(s) a "Right-of-Way" colored coded map must be prepared showing construction easements, permanent easements, and any land acquired. (Some projects involve a single property and sometimes utility or access easements are needed to serve the property. If easements are required then a color coded map is required.)

The map(s) shall be coded with each type of easement identified by a color code (i.e. red for a state highway, green for railroads, brown for county roads, yellow for private, blue for city, etc.). An identification number will be placed on each individual easement needed on the map, showing the location of the easement. The map must show continuous rights-of-way.

The map will contain the following certification:

"I, (name), certify that all the necessary Rights-Of-Way are indicated on this map for the construction of the proposed project."

By: \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

- c. The Applicant will sign and date Form RD 442-21, "Right-of Way Certification," and attach it to the map(s).
2. Form RD 442-20, "Right-of-Way Easement," has been approved to record easements. Other easement forms may be used; however they must be preapproved by Rural Development prior to use.
3. The Applicant's Attorney will prepare Rights-of-Way/Closing documents following the Rights-of-Way / Closing File. The same identification number as shown on the color-coded map will be used for the corresponding easement in the Rights-of-Way/Closing File.
4. Prior to requesting authorization to take bids, the Rights-of-Way/Closing Documents will be delivered to Rural Development for review.

## **Application Documents**

- \_\_\_\_\_ Articles of Incorporation (NP)
- \_\_\_\_\_ Bylaws (NP)
- \_\_\_\_\_ Certification of Bylaws by Organization (NP)
- \_\_\_\_\_ Sec. of State Web Search/Lien Search (NP)
- \_\_\_\_\_ Certificate of Good Standing (NP)
- \_\_\_\_\_ Project Summary
- \_\_\_\_\_ Letter of Conditions (LOC) and Amendments
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

## **Contracts/Agreements**

- \_\_\_\_\_ Management Agreements
- \_\_\_\_\_ Draft Parity Agreements
- \_\_\_\_\_ 28E Agreements
- \_\_\_\_\_ Leases
- \_\_\_\_\_ Assured Income Agreements
- \_\_\_\_\_
- \_\_\_\_\_

## **Pre-Closing Documents**

- \_\_\_ RD 440-34, Option to Purchase Real Property
- \_\_\_ RD 440-35, Acceptance of Option
- \_\_\_ RD 1927-9, Preliminary Title Opinion (PTO)
- \_\_\_ RD 442-20, Right-of-Way (ROW) Easement
- \_\_\_ RD 442-21, Right-of-Way (ROW) Certificate
- \_\_\_ RD 442-22, Opinion of Counsel Relative to Rights-of-Way (ROW)
- \_\_\_ Approvals & Construction Permits (i.e. City, County, Fire Marshall, Dept. of Health)
- \_\_\_ Color Coded Map
- \_\_\_ Draft Bond Resolution (PB)
- \_\_\_ OGC Bond Checklist (PB)
- \_\_\_ OGC Checklist
- \_\_\_ \_\_\_\_\_
- \_\_\_ \_\_\_\_\_
- \_\_\_ \_\_\_\_\_
- \_\_\_ \_\_\_\_\_

**\*\*\* THE DOCUMENTS ABOVE SHOULD BE SUBMITTED TO THE S.O. FOR REVIEW;  
S.O. WILL FORWARD TO OGC FOR LOAN CLOSING INSTRUCTIONS \*\*\***

## Closing Documents

- \_\_\_\_\_ OGC Closing Instructions Initialed by A.O. Rep.
- \_\_\_\_\_ RD 1927-1 IA, Real Estate Mortgage
- \_\_\_\_\_ RD 1927-10, Final Title Opinion (FTO)
- \_\_\_\_\_ Copy of Deed
- \_\_\_\_\_ RD 440-22, Promissory Note (NP) or Revenue/GO Bond (PB)
- \_\_\_\_\_ RD 3570-3, Grant Agreement
- \_\_\_\_\_ RD 402-1, Deposit Agreement (NP)
- \_\_\_\_\_ RD 1927-5, Affidavit Regarding Work of Improvement (NP)
- \_\_\_\_\_ UCC-1, Financing Statement (NP)
- \_\_\_\_\_ Pledge and Security Agreement (NP)
- \_\_\_\_\_ Certificate as to Litigation (NP)
- \_\_\_\_\_ Loan Closing Opinion (Local Attorney)
- \_\_\_\_\_ RD 1942-47, Loan Resolution (Public Bodies) (PB)
- \_\_\_\_\_ RD 1942-9, Loan Resolution Security Agreement (NP)
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**\*\*\* COMPLETE RIGHT-OF-WAY (ROW) FILE SHOULD BE SUBMITTED TO S.O. FOR POST REVIEW; INFORMATION WILL BE FORWARDED ON TO OGC. \*\*\***

Community Facilities  
OGC Closing Review Checklist (NP)  
Guide C-1 CF



United States Department of Agriculture

Borrower: \_\_\_\_\_ Project: \_\_\_\_\_

RD Contact: \_\_\_\_\_ Phone: \_\_\_\_\_

File Review Date: \_\_\_\_\_ Area Office Target Closing Date: \_\_\_\_\_

**Description of Project:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Obligation of Funds:**

L: \$ \_\_\_\_\_ G: \$ \_\_\_\_\_ @ \_\_\_\_\_ % for \_\_\_\_\_ years obligated on: \_\_\_\_\_  
L: \$ \_\_\_\_\_ G: \$ \_\_\_\_\_ @ \_\_\_\_\_ % for \_\_\_\_\_ years obligated on: \_\_\_\_\_  
L: \$ \_\_\_\_\_ G: \$ \_\_\_\_\_ @ \_\_\_\_\_ % for \_\_\_\_\_ years obligated on: \_\_\_\_\_

**Borrower Type:** \_\_\_\_\_ Market \_\_\_\_\_ Intermediate \_\_\_\_\_ Poverty

Current Interest Rate for this type: \_\_\_\_\_%. Principal will be deferred for \_\_\_\_\_ years.  
\_\_\_\_\_ Annual Payments \_\_\_\_\_ Monthly Payments \_\_\_\_\_ Due Date, if specified

**Other Funding:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Security:** \_\_\_\_\_ Assured Income (POSITION \_\_\_\_\_ TAB \_\_\_\_\_)

- \_\_\_\_\_ Promissory Note
- \_\_\_\_\_ UCC-1/financing statement To file: \_\_\_\_\_ Sec. of State \_\_\_\_\_ County Recorder.
- \_\_\_\_\_ Real Estate Mortgage
- \_\_\_\_\_ Pledge and Security Agreement (Pledge of Revenues)

**Comments/Issues:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Articles/By-Laws Reviewed** (POSITION \_\_\_\_\_ TAB \_\_\_\_\_)

- Date of Review \_\_\_\_\_ by: \_\_\_\_\_ State \_\_\_\_\_ OGC
- Faith-Based Applicant? \_\_\_\_\_ Yes \_\_\_\_\_ No

**Comments/Items noted:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Environmental**

\_\_\_\_\_ Categorical Exclusion \_\_\_\_\_ Phase I, \_\_\_\_\_ Phase II

- Date of Complete Environmental Review: \_\_\_\_\_

**Comments:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_ Community Programs Special Agreements (POSITION \_\_\_\_ TAB \_\_\_\_)

\_\_\_\_ Long Term Lease. Date approved by OGC: \_\_\_\_\_

\_\_\_\_ 28E Agreement. Date approved by OGC: \_\_\_\_\_

\_\_\_\_ Management Agreement. Date approved by OGC: \_\_\_\_\_

\_\_\_\_ Parity Agreement. Date approved by OGC: \_\_\_\_\_

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_ Preliminary Title Opinion(s) have been reviewed. (POSITION \_\_\_\_ TAB \_\_\_\_)

• Title of Property vested in: \_\_\_\_\_

Comments/Issues to be addressed: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_ Forms RD 442-21 and RD 442-22 were reviewed with the following exceptions noted: (POS \_\_\_\_ TAB \_\_\_\_)

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_ Significant ties to the local rural community are documented in the file.

\_\_\_\_ Insurance and bonding requirements have been reviewed and are documented in the file.

\_\_\_\_ Public Information meeting requirements are documented in the file.

\_\_\_\_ Local zoning and building codes have been or will be complied with.

\_\_\_\_ Permit/license has been obtained from: (POSITION \_\_\_\_ TAB \_\_\_\_)

\_\_\_\_ DNR \_\_\_\_ DOT Hwy \_\_\_\_ Railroads \_\_\_\_ City \_\_\_\_ County \_\_\_\_ Other (i.e. DHS, DEA, etc.)

Comments:

\_\_\_\_\_  
\_\_\_\_\_

**Litigation:** Is this applicant involved in any type of litigation? \_\_\_\_ Yes \_\_\_\_ No

If yes, please explain: \_\_\_\_\_

\_\_\_\_\_

Other Comments:

RD REPRESENTATIVE: \_\_\_\_\_ DATE: \_\_\_\_\_



Borrower: \_\_\_\_\_ Project: \_\_\_\_\_  
RD Contact: \_\_\_\_\_ Contact's Phone: \_\_\_\_\_  
File Review Date: \_\_\_\_\_ Area Office Target Closing Date: \_\_\_\_\_

**Description of Project:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Obligation of Funds:**

L:\$ \_\_\_\_\_ G:\$ \_\_\_\_\_ @ \_\_\_\_\_ % for \_\_\_\_\_ years obligated on: \_\_\_\_\_  
L:\$ \_\_\_\_\_ G:\$ \_\_\_\_\_ @ \_\_\_\_\_ % for \_\_\_\_\_ years obligated on: \_\_\_\_\_  
L:\$ \_\_\_\_\_ G:\$ \_\_\_\_\_ @ \_\_\_\_\_ % for \_\_\_\_\_ years obligated on: \_\_\_\_\_

**Interest Rate Level:** \_\_\_\_\_ Market \_\_\_\_\_ Intermediate \_\_\_\_\_ Poverty

Current Interest Rate for this type: \_\_\_\_\_ % Interest will be deferred for \_\_\_\_\_ years.  
\_\_\_\_\_ Annual Payments \_\_\_\_\_ Monthly Payments \_\_\_\_\_ Due Date, if specified

**Other Funding:** \_\_\_\_\_  
\_\_\_\_\_

**Security:** (POSITION \_\_\_\_\_ TAB \_\_\_\_\_)

\_\_\_\_\_ General Fund Note \_\_\_\_\_ General Obligation Bond \_\_\_\_\_ Revenue Bond  
\_\_\_\_\_ Bond Checklist Completed

**Bond Counsel Firm:** \_\_\_\_\_

**Bond Counsel Attorney** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**Outstanding Bonds**

\$ \_\_\_\_\_ GFN/G. O./ Revenue \_\_\_\_\_ Parity Requirements \_\_\_\_\_  
\$ \_\_\_\_\_ GFN/G. O./ Revenue \_\_\_\_\_ Parity Requirements \_\_\_\_\_  
\$ \_\_\_\_\_ GFN/G. O./ Revenue \_\_\_\_\_ Parity Requirements \_\_\_\_\_  
\$ \_\_\_\_\_ GFN/G. O./ Revenue \_\_\_\_\_ Parity Requirements \_\_\_\_\_

**Comments/Issues:** \_\_\_\_\_  
\_\_\_\_\_

**Environmental:**

\_\_\_\_\_ Categorical Exclusion \_\_\_\_\_ Phase I \_\_\_\_\_ Phase II

- Date of Complete Environmental Review: \_\_\_\_\_

**Comments:**

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ **Community Facilities Special Agreements** (POS \_\_\_\_\_ TAB \_\_\_\_\_)  
\_\_\_\_\_ Long Term Lease. Date approved by OGC: \_\_\_\_\_  
\_\_\_\_\_ 28E Agreement. Date approved by OGC: \_\_\_\_\_  
\_\_\_\_\_ Management Agreement. Date approved by OGC: \_\_\_\_\_

Comments/Issues to be addressed: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Preliminary Title Opinion(s) have been reviewed. (POSITION \_\_\_\_\_ TAB \_\_\_\_\_)  
• Title of Property vested in: \_\_\_\_\_  
Comments/Issues to be addressed: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Forms RD 442-21 & RD 442-22 reviewed w/these exceptions noted:  
(POS \_\_\_\_\_ TAB \_\_\_\_\_)  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Final plans and specs have been approved by our agency engineer.  
\_\_\_\_\_ Significant ties to the local rural community are documented in the file.  
\_\_\_\_\_ Insurance and bonding requirements have been reviewed and are documented in the file.  
\_\_\_\_\_ Public Information meeting requirements are documented in the file.  
\_\_\_\_\_ Local zoning and building codes have been or will be complied with.  
\_\_\_\_\_ Permits/Licenses have been obtained from: (POSITION \_\_\_\_\_ TAB \_\_\_\_\_)  
\_\_\_\_\_ DNR \_\_\_\_\_ DOT Highway \_\_\_\_\_ Railroads \_\_\_\_\_ City \_\_\_\_\_ County  
\_\_\_\_\_ Other (i.e. DHS, DEA, etc. Please specify: \_\_\_\_\_)

**Litigation:** Is this applicant involved in any type of litigation? \_\_\_\_\_ Yes \_\_\_\_\_ No  
If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Other Comments:**

**RD REPRESENTATIVE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_