

Position 5

Form RD 442-22  
(Rev. 10-96)

UNITED STATES DEPARTMENT OF AGRICULTURE  
RURAL DEVELOPMENT

FORM APPROVED  
OMB NO. 0575-0015

OPINION OF COUNSEL RELATIVE TO RIGHTS-OF-WAY

Used by applicant's attorney to provide opinion as to rights-of-way.

Date \_\_\_\_\_

Dear Sir:

I have reviewed the action taken by \_\_\_\_\_ (hereinafter called the "Corporation") in obtaining a right-of-way for the construction, operation, and maintenance of the facilities to be installed, repaired, or enlarged with the proceeds of a loan made or insured by, and/or a grant from Rural Development to the Corporation. I have examined the right-of-way instruments, permits, or licenses obtained from landowners, public bodies, and public utilities and made such searches of the public records necessary to determine the legal sufficiency of the instruments covered by the "Right-of-way Certificate," executed by the Corporation on \_\_\_\_\_, 19\_\_\_\_. I also have examined the "Right-of-way Map" to determine whether contiguous and adequate land and rights-of-way are owned or have been acquired by the instruments covered in the "Right-of-way Certificate."

Based on the foregoing examination, and to the best of my knowledge, information, and belief, I am of the opinion that:

- A. The legal instruments by which the Corporation has acquired said rights-of-way (a) are in appropriate and due legal form and adequately confer upon the Corporation the necessary rights-of-way for the construction, operation, and maintenance of its facilities in their present or proposed location, and such omissions or defects as may exist will in no substantial way or manner endanger the value or operation of the facilities, and (b) have each been properly recorded in the appropriate public land records of each County in which any of the land affected thereby is situated. Such consents, releases, or subordnations from lienholders recommended by me or required by Rural Development have been obtained.
- B. The legal instruments referred to above give unto the Corporation a continuous and adequate right-of-way to permit the construction, operation, and maintenance of the Corporation's facilities except as below noted.
- C. Exceptions:

Very truly yours,

\_\_\_\_\_  
Attorney for \_\_\_\_\_

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PROCEDURE FOR PREPARATION : RD Instruction 1942-A and RUS Instruction 1780.

PREPARED BY : Applicant's attorney.

NUMBER OF COPIES : Original.

SIGNATURE REQUIRED : Applicant's attorney.

DISTRIBUTION OF COPIES : Docket.