

**PLANNING & DEVELOPMENT MEMORANDUM**  
**#26-2024**

**DATE:** June 10, 2024

**TO:** Honorable Mayor Meredith Leighty and City Council Members

**THROUGH:** Heather Geyer, City Manager *hmg*  
Jason Loveland, Deputy City Manager *12*

**FROM:** Brook Svoboda, Director of Planning & Development *BS*

**SUBJECT:** CR-107 – Northglenn Ambulance Termination of Land Use Restriction Agreement

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**PURPOSE**

To consider CR-107, a resolution approving a Termination of Land Use Restriction Agreement for property owned by the Northglenn Ambulance Authority.

**BACKGROUND**

Northglenn Ambulance, Inc. is in the process of being acquired by HCA-HealthONE LLC. Part of this transaction includes the property located at 10655 North Washington St., which currently has a Use Restriction Agreement associated with it. As a condition of the sale, the buyer is requiring the termination of this agreement.

**NEXT STEPS**

Should City Council approve the proposed termination request, the resolution would be recorded on the property.

**BUDGET/TIME IMPLICATIONS**

There are no financial or time impacts to the City.

**STAFF RECOMMENDATION**

Staff recommends approval of CR-107.

**STAFF REFERENCE**

If Council Members have any questions, please contact Brook Svoboda, Director of Planning & Development, at bsvoboda@northglenn.org or 303.450.8937.

**ATTACHMENT**

1. Northglenn Ambulance, Inc. Letter

CR-107 – Northglenn Ambulance Termination of Land Use Restriction Agreement

**NORTHGLENN AMBULANCE, INC.**

10655 N. Washington  
P.O. Box 33498  
Northglenn, CO 80233

Phone: (303) 451-6882  
Fax: (303) 255-9953

Sara Dusenberry,  
Senior Planner  
11701 Community Center Dr.  
Northglenn CO 80233

Dear Sara,

As we discussed last month, Northglenn Ambulance, Inc. ("NGA") is about to enter into an Asset Purchase Agreement with HCA-HealthONE LLC d/b/a North Suburban Medical Center, a Colorado limited liability company ("Buyer"), which includes the sale of substantially all NGA's assets to Buyer (the "Transaction"). As part of the Transaction, NGA will be selling and conveying title to its real property located at 10655 North Washington, Northglenn, CO 80233, which is more particularly described on Exhibit A to the Termination Agreement hereto (the "Property").

Pursuant to a Special Warranty Deed between City of Northglenn (the "City"), as grantor, and NGA, as grantee, dated January 23, 2006 and recorded on January 30, 2006 at Reception No. C1271865, in the Adams County, Colorado real estate records, NGA acquired the Property. Significantly, the Property is subject to the terms, conditions, provisions, obligations and agreements set forth in that certain Agreement, dated August 21, 1980 and recorded August 27, 1980 in Book 2485 at Page 352, as affected by a Deed recorded on June 1, 1981 in Book 2630, Page 79 in the Adams County, Colorado real estate records, which purports to restrict the Property to use "*only for municipal purposes*" (herein referred to as the "Use Restriction").

As a condition to close the Transaction, Buyer requires that the City and NGA execute and record in the Adams County, Colorado real estate records, a Termination of Land Use Restriction Agreement ("Termination Agreement") in the form enclosed herewith. The enclosed form of the Termination Agreement has been approved by Buyer and Buyer's title company, who will be insuring title with respect to the Property, subject to the execution and recording of the Termination Agreement.

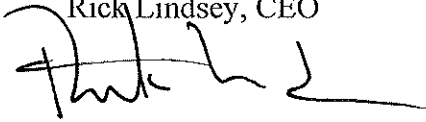
It appears from the real estate records associated with the Property that: (i) the Use Restriction was imposed for the sole benefit of the City; (ii) the City did not observe the Use Restriction when it sold the Property to NGA, as NGA is not a municipality and the purpose for the Use Restriction had apparently ended; and (iii) the Use Restriction should have been formerly terminated as part of the sale of the Property to NGA so to not encumber NGA's ownership interest in the Property.

Based on the above, we respectfully request that the City approve and execute the attached Termination Agreement, which includes authorization for NGA to record the executed Termination Agreement in the Adams County real estate records. If you or any authorizing body

of the City has any questions concerning the above, please let us know as soon as possible. Thank you for your prompt attention to this matter.

Sincerely,

Rick Lindsey, CEO

A handwritten signature in black ink, appearing to read "Rick Lindsey", with a long horizontal flourish extending to the right.

SPONSORED BY: MAYOR LEIGHTY

COUNCIL MEMBER'S RESOLUTION

RESOLUTION NO.

No. CR-107  
Series of 2024

\_\_\_\_\_  
Series of 2024

A RESOLUTION APPROVING THE TERMINATION OF LAND USE RESTRICTION AGREEMENT BETWEEN THE CITY OF NORTHGLENN AND NORTHGLENN AMBULANCE, INC. REGARDING PROPERTY AT 10655 NORTH WASHINGTON STREET

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The Termination of Land Use Restriction Agreement between the City of Northglenn and Northglenn Ambulance, Inc. regarding property located at 10655 North Washington Street, Northglenn, Colorado, attached hereto as **Exhibit 1**, is hereby approved and the Mayor is authorized to execute same on behalf of the City.

DATED at Northglenn, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
MEREDITH LEIGHTY  
Mayor

ATTEST:

\_\_\_\_\_  
JOHANNA SMALL, MMC  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
COREY Y. HOFFMANN  
City Attorney

When Recorded Return to:

Northglenn Ambulance, Inc.  
Attn: Rick Lindsey, Executive Director  
P.O. Box 33498  
Northglenn, Colorado 80233

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**TERMINATION OF LAND USE RESTRICTION AGREEMENT**

THIS TERMINATION OF LAND USE RESTRICTION AGREEMENT (this “**Termination Agreement**”) is made and entered into as of this \_\_\_ day of \_\_\_\_\_ 2024 by City of Northglenn, a municipal corporation (“**City of Northglenn**”) and Northglenn Ambulance, Inc. a Colorado nonprofit corporation (“**NGA**”).

**WITNESSETH:**

WHEREAS, pursuant to that certain Special Warranty Deed, between City of Northglenn, as grantor and NGA, as grantee, dated January 23, 2006 and recorded on January 30, 2006 at Reception No. C1271865, in the Adams County, Colorado real estate records, NGA acquired real property located at 10655 North Washington, Northglenn, CO 80233, which is more particularly described on Exhibit A hereto (the “**Property**”).

WHEREAS, the terms, conditions, provisions, obligations and agreements set forth in that certain Agreement, dated August 21, 1980 and recorded August 27, 1980 in Book 2485 at Page 352, as affected by Deed recorded on June 1, 1981 in Book 2630, Page 79 in the Adams County, Colorado real estate records, purport to restrict the Property to use “only for municipal purposes” (herein referred to as the “**Use Restriction**”).

WHEREAS, City of Northglenn, upon the sale conveying the Property to NGA, did not intend for the Use Restriction to continue to encumber the Property because the purpose of the Use Restriction had long expired prior to said conveyance.

WHEREAS, NGA is seeking to sell the Property and wishes to have the Use Restriction formerly terminated and removed from the Property’s title.

NOW, THEREFORE, in consideration of the mutual benefits accruing to the parties hereto and other valuable consideration, the receipt and sufficiency of which consideration is hereby acknowledged, it is hereby declared, understood and agreed as follows:

1. The foregoing recitals are hereby incorporated into this Termination Agreement in their entirety.
2. City of Northglenn hereby terminates the Use Restriction, and releases the same without any conditions or reservations of rights whatsoever.

3. The parties hereto acknowledge and agree that this Termination Agreement is being executed and recorded specifically for the purpose of terminating the Use Restriction, and shall not terminate any other rights of the City of Northglenn with respect to the Property, including any utility easements or other property rights related thereto.

4. The parties hereto further agree that upon execution of this Termination Agreement, NGA shall cause it to be recorded in the Adams County, Colorado real estate records.

**REMAINDER OF PAGE INTENTIONALLY BLANK**

**SIGNATURE PAGES FOLLOW**

IN WITNESS WHEREOF, the parties hereto have signed this Termination Agreement effective as of the day and year first above written.

**CITY OF NORTHGLENN:**

\_\_\_\_\_  
MEREDITH LEIGHTY  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
JOHANNA SMALL, MMC  
City Clerk

\_\_\_\_\_  
COREY Y. HOFFMANN  
City Attorney

**NGA:**

NORTHGLENN AMBULANCE, INC., a  
Colorado nonprofit corporation

By: *Phil Lindsey*  
Name: *Rick Lindsey*  
Title: *Executive Director*

STATE OF Colorado )  
 ) ss.  
COUNTY OF Adams )

The foregoing Termination Agreement was acknowledged before me this 24<sup>th</sup> day of May, 2024 by Rick Lindsey, Executive Director of Northglenn Ambulance, Inc.

SERENA JAYLEEN ALMANZA MEZQUITA  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID # 20234038527  
MY COMMISSION EXPIRES OCTOBER 17, 2027

Witness my hand and official seal.

*[Signature]*  
Notary Public

My commission expires: 10/17/2027

**EXHIBIT A  
TO THE  
TERMINATION AGREEMENT**

A PORTION OF LOT 29, BLOCK 5, NORTH GLENN FIRST FILING, CITY OF NORTHGLENN, ADAMS COUNTY, COLORADO, AS RECORDED IN PLAT FILE 10, MAP 321, OF SAID ADAMS COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 29, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE N89°48'00"W ALONG THE NORTH LINE OF SAID LOT 29, A DISTANCE OF 165 FEET; THENCE S00°12'00" W ON A LINE PARALLEL WITH THE EAST LINE OF SAID LOT 29, A DISTANCE OF 50 FEET; THENCE S89°48'00"E ON A LINE PARALLEL WITH THE NORTH LINE OF SAID LOT 29, A DISTANCE OF 25 FEET; THENCE S00°12'00"W ON A LINE PARALLEL WITH THE EAST LINE OF SAID LOT 29, A DISTANCE OF 110.5 FEET; THENCE S89°48'00"E ON A LINE PARALLEL WITH THE NORTH LINE OF SAID LOT 29, A DISTANCE OF 140 FEET; THENCE N00°12'00"E ALONG THE EAST LINE OF SAID LOT 29, A DISTANCE OF 160.5 FEET TO THE TRUE POINT OF BEGINNING, COUNTY OF ADAMS, STATE OF COLORADO.