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September 29, 2025

Ms. Erica Romero
PO Box 208
Palmer Lake, CO 80133

Re: Annexation Application / Monument Ridge West, LLC

Dear Ms. Romero:

Please accept this letter on behalf of the applicant, Monument Ridge West, LLC. I am writing in regards to the Board of Trustees hearing this coming Thursday, October 2, 2025. As you know, the purpose of the October 2nd meeting is to, at least in part, conduct a Board of Trustees hearing on the applicant's annexation and zoning application for the property located at the southwest corner of I-25 and County Line Road. However, based upon the newly adopted Town of Palmer Lake Ordinance regarding the requirement for voter approval of annexations (the "Ordinance"), the applicant believes the proper course of action is to postpone the Board of Trustees hearing until after an election is held.

The Ordinance reads:

"Section 1. Requirement for Voter Approval of Annexation

Any proposal to annex land into the Town of Palmer Lake shall be subject to approval by a majority vote of the registered electors of the Town of Palmer Lake at a regular or special municipal election. No annexation shall be deemed effective unless and until it has been approved by the voters in accordance with this ordinance.

Section 2. Compliance with State Law

All annexation proposals shall comply with the requirements of the Colorado Revised Statutes, including but not limited to CRS 31-12-101 et. seq., and any other applicable municipal and state laws.

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Section 3. Effective Date

This ordinance shall be in full force and effect from and after its passage, approval by the electors (if required), and publication as provided by law.

Section 4. Applicability to Prior Annexations

Any annexation approved by the Town Board of Trustees within one year prior to the effective date of this ordinance but not yet finalized (including those pending legal challenge or awaiting infrastructure development) shall be subject to voter approval as described in Section 1."

The Ordinance specifically states "any **proposal** to annex land ... shall be subject to a majority vote of the registered electors ...," rather than any ordinance to annex land be subject to a majority vote of the registered electors. In the absence of other guidance on the timing of the election, the applicant must assume the language was chosen deliberately to allow the election to take place prior to the vote of the Board of Trustees while the application is a proposal and not after an annexation ordinance exists.

Also instructive, the Ordinance requires all annexation proposals to comply with Colorado law, including Colorado annexation law pursuant to CRS 31-12-101 et. seq. C.R.S. Section 31-12-112(9) requires that annexation elections precede associated implementing ordinances. Moreover, Colorado law already includes a process for a referendum election on any ordinance once enacted. Thus, the applicant believes the correct process for an annexation application under the new Ordinance is to hold the election required by the Ordinance prior to any Board of Trustees hearing so that the Board of Trustees may rely upon the election result in its own deliberation process.

One additional component to consider is that the electors of the Town of Palmer Lake, very clearly said, by an unofficial tally of 765 (pass) to 375 (fail), that they want to vote on the annexation and provide the Board of Trustees with their guidance. While the applicant believes the plain language of the Ordinance requires the election be held prior to the Board of Trustees vote, or at the very least it is in the applicant's purview to opt to have the new election held prior to the Board of Trustees vote, holding the election prior to the Board of Trustees vote ensures the voters of the Town of Palmer Lake participate in the process.

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In light of the above, the applicant believes the Board of Trustees must postpone the currently scheduled October 2nd hearing until after the election required by the new Ordinance can be held.

Sincerely,



Sara M. Frear

SMF:kwf

cc: Mr. Scott Krob
Mr. Stan Beard
Ms. Maria Larsen