



**TOWN OF PALMER LAKE
BOARD OF TRUSTEES - AGENDA MEMO**

DATE: March 28, 2024	ITEM NO.	SUBJECT: Update Regarding Applicant Withdrawal of Ben Lomand Mountain Annexation Petition
Presented by: Town Administrator		

Background

Discussions about this possible annexation began with the former Board of Trustees in 2022 with critical issues from the applicant being discussed by the Board in executive session that were reflected in a draft annexation agreement. No formal Board action was taken at a public meeting approving an agreement. At the applicant's request, the Board did provide a letter of general support for the project and the issues discussed, which was included with the application and referenced in the applicant's correspondence.

As a result of public input and further discussion of the annexation and a possible annexation agreement, the Board of Trustees suggested a few revisions to the draft agreement, in order to protect and further the Town's interests. The applicant declined to consider any of the provisions requested by the Town. On March 1, 2024, the applicant's attorney sent a letter to the Town indicating that if the Town Board did not accept the annexation agreement as originally proposed by the applicant, then the applicant would withdraw its annexation petition. The Board was polled as to whether it wished to conduct a special meeting to consider the applicant's demand, and the Board elected not to do so. In response to an inquiry from the Town, on March 14, 2024, the applicant's attorney provided written confirmation that the annexation petition has been withdrawn.

Since the Board's decision not to hold a special meeting to consider the annexation agreement as proposed by the applicant was accomplished by polling the board electronically, it is recommended that the Board confirm by motion, its decision not to hold a meeting to consider the annexation agreement in the form proposed by the applicant.

As the annexation petition has been withdrawn, there is no other action to be taken by the Board at this time.