

**DATE:** 15 December 2024

**MEMORANDUM FOR:** El Paso County BoCC, Administrator, Attorney, and Dir of Land Development

**SUBJECT:** Noncompliance with Colorado Law Regarding Annexation (CRS, Title 31, Article 12)

On 4 Nov, El Paso County posted on the EDARP project for “Buc’ees Palmer Lake Nos. 1-6 Annexation” (ANX2411) a document titled “Certification of Notice”. There is no such “certificate”. I understand this document was written by Ms. Nina Ruiz of Vertex Consulting who intentionally labeled the file “Certificate of Notice” and being a former employee of the El Paso County Land Development department understands how to mislead during the process.

CRS 31-12-105 Limitations, (1)(e.3), states, “In connection with any annexation...the **municipality** shall provide, by **regular mail** to the owner of any abutting parcel as reflected in the records of the county assessor, written notice of the annexation and of the landowner’s right to petition for annexation pursuant to section 31-12-107...” Whereas, CRS 31-12-108 Setting the Hearing Date – notice given, (2) states, “The clerk shall give notice as follows:...A copy of the published notice, together with a copy of the resolution and petition as filed, shall also be sent by **registered mail by the clerk to the board of county commissioners and to the county attorney** of the county wherein the territory is located and to any special district or school district having territory with the area to the annexed at least twenty-five days prior to the date fixed for such a hearing...”

After seeing the 4 Nov alleged “Certificate of Notice” and in anticipation of this “notification” intentionally being presented to mislead, I submitted a Colorado Open Records Act (CORA) request on 21 Nov to the administrator of Palmer Lake, Ms. Dawn Collins stating, “as per CRS 31-12-108, provide copies of the **registered mail receipts for those recipients noticed** of the 12 Dec 2024 annexation hearing,” the evidence required under CRS 31-12-108. Ms. Collins’ CORA response was the developer’s hired consultant, Ms. Ruiz notice to **adjacent property owners** which fulfills the CRS 31-12-105 requirement, NOT the municipality’s 31-12-108 requirement. Refer to Attachment A.

This said “notice” was written by Ms. Ruiz, who is being paid by the developer, and only serves the purpose of fulfilling the developer’s notification to the adjacent property owners (CRS 31-12-105), NOT the CRS 31-12-108 (2) municipality requirement to the county (BoCC and attorney).

Following Ms. Collins response, I submitted identical CORA requests to both El Paso and Douglas Counties for evidence that they were properly noticed per CRS 31-12-108 (2) of the 12 Dec 2024 hearing. Both counties responded that they had not been noticed. Refer to Attachments B and C.

In addition to this conscious and misleading “notice” for the 12 Dec 2024 hearing, all six annexation petitions do not meet the one-sixth contiguity requirement of CRS 31-12-104 (1)(a), as they do not have a **single point of contiguity** with the Town. On 5 Aug 2024, United Congregational Church (UCC) filed for disconnection by court decree from Palmer Lake, the BoT voted to approve the disconnection on 10 Oct, and the disconnection was completed on 22 Nov 22. Refer to Attachment D. I denoted the UCC disconnected parcels shown in red as an overlay on the applicants’ map of the Town limits, and relative to the start of Annexation Petition No. 1 showing no point of contiguity. I presented this evidence at the 12 Dec hearing and no questions were asked. Refer to Attachment E. The Town’s BoT, administrator and

attorney were all aware that there was no contiguity. Prior to making a motion on the question of eligibility, a member of the BoT, Mr. Nick Ehrhardt, asked Ms. Ruiz to show the BoT the point of contiguity and Ms. Ruiz lied in stating that the adjacent portion of County Line was inside Town limits.

Since this proposed annexation is within El Paso County (and Douglas County), per CRS 31-12-116 (1) you have standing to challenge the Town of Palmer Lake both on not being properly noticed of this hearing and not complying with the contiguity requirement for annexation. I request you do so. From my previous discussions with Mr. Water and Mr. Hodges (on 15 Nov 2021, 24 Mar 2022, and 4 Apr 2022), you're very aware of the questionable antics of both Ms. Ruiz and her business partner Mr. Craig Dossey, and I sense that is why they are no longer employed with the County.

I appreciate you taking time to review this information. Please advise me on what you decide.

Respectfully,



Martha M. Brodzik  
PO Box 446, Palmer Lake, CO 80133  
[marty@mmbrodzik.com](mailto:marty@mmbrodzik.com)  
719.439.9890

Attachments:

- A Ms. Brodzik's 21 Nov 2024 CORA request to Ms Collins, and Ms Collins 21 Nov 2024 response
- B Ms. Brodzik's 1 Dec 2024 CORA request to El Paso County BoCC and attorney, and El Paso County's 4 Dec 2024 response
- C Ms. Brodzik's 26 Nov 2024 CORA request to Douglas County BoCC and attorney, and Douglas County's 2 Dec 2024 response
- D United Congregational Church v The Town of Palmer Lake Case Number 2024CV31464 (district)
- E Maps provided to the BoT and Ms. Collins at the 12 Dec 2024 hearing, showing no point of contiguity for the Buc'ees annexation with the Town of Palmer Lake

**From:** Dawn Collins <dawn@palmer-lake.org>  
**Sent:** Thursday, November 21, 2024 6:14 PM  
**To:** marty mmbrodzik.com  
**Subject:** RE: CORA - Recipients Noticed of Annexation Hearing  
**Attachments:** mb.mail.pdf; Certificate of Notice.pdf

Request completed, received from Vertex,

Dawn A. Collins, CMC  
Town Administrator/Clerk



Town of Palmer Lake  
42 Valley Crescent  
PO Box 208  
Palmer Lake CO 80133  
719.481.2953  
[dawn@palmer-lake.org](mailto:dawn@palmer-lake.org)  
[www.townofpalmerlake.com](http://www.townofpalmerlake.com)

**From:** marty mmbrodzik.com <marty@mmbrodzik.com>  
**Sent:** Thursday, November 21, 2024 9:30 AM  
**To:** Dawn Collins <dawn@palmer-lake.org>  
**Cc:** Tish Torweihe <tish@palmer-lake.org>  
**Subject:** CORA - Recipients Noticed of Annexation Hearing

-----WARNING: This email originated from outside the Town of Palmer Lake. DO NOT CLICK on any attachments or links from unknown senders or unexpected emails. Always check the sender's display name and email address are correct before you communicate.-----

Refer to the attached CORA request.

R,  
Martha Brodzik

P

TOWN OF PALMER LAKE PUBLIC RECORDS REQUEST FORM

PLEASE PRINT

Name: Martha Brodzik Date of Request: 2024-11-21

Address: P O B o x 4 4 6

Town: Palmer Lake State: CO Zip: 80133 Daytime Phone: 719/439-9890

Email: marty@mmbrodzik.com

INSTRUCTIONS

Indicate the records requested. Please be as specific as possible. Allow three (3) working days after submitting this form and the deposit for a search of the records. Pursuant to the State of Colorado Open Records Act C.R.S. 24-72-203(3)(b), the three-day time may be extended up to an additional seven (7) working days if extenuating circumstances exist. You will be notified within three (3) days of any extension and all estimated costs.

Specific records requested:

As per the CRS 31-12-108, provide copies of the registered mail receipts for those recipients noticed of the 12 Dec 2024 annexation hearing.

Please select the format in which you would like to receive records:

XX email\*

\*Not all documents are stored electronically. The transmission method may be limited by size/type of electronic records. Data manipulation fees may apply.

Please select the method you prefer for notification when the records are available:

   I will pick up the records.

X Contact me by (circle one) (X) email (X) text

=====

I, Nina Ruiz, certify that I mailed the legal "Notice of Annexation Petition" packet for the Buc'ees Annexation Filings 1-6 on behalf of and at the direction of the Town of Palmer Lake Clerk on October 31, 2024 by regular mail. A copy of the packet is included as "Exhibit A" and the mailing list is included as "Exhibit B" attached hereto.



Nina Ruiz  
Senior Executive Consultant



Phone: 719-433-2018

Email: [nina.ruiz@vertexcoss.com](mailto:nina.ruiz@vertexcoss.com)

Address: 5825 Delmonico Dr., Suite 320, Colorado Springs, CO 80919

Website: [Vertexconsultingservice.com](http://Vertexconsultingservice.com)

**From:** citizenconnect@elpasoco.com  
**Sent:** Sunday, December 1, 2024 9:52 AM  
**To:** marty mmbrodzik.com  
**Subject:** El Paso County CORA Request Received



Hello,

Thank you for submitting your request for records with El Paso County. Your Request ID is [CORA-2412488](#). You can access the request by clicking the service request number.

We appreciate your patience as we process your request. We will contact you within three business days regarding the progress of your request. If you are still waiting to receive correspondence regarding your request after three business days, please email us at [EPCCORA@elpasoco.com](mailto:EPCCORA@elpasoco.com).

To learn more about El Paso County and our services, follow us on social media at [click here](#)

Thank you,

El Paso County Communications Department



**From:** EPCCORA <EPCCORA@elpasoco.com>  
**Sent:** Wednesday, December 4, 2024 11:04 AM  
**To:** marty mmbrodzik.com  
**Subject:** CORA Request: Palmer Lake Annexation Petitions

Good morning Martha Brodzik,

Thank you for submitting your request with El Paso County. We conducted a thorough search of county records but did not find any documents responsive to your request. Please let me know if you have any questions.

Thank you,



**Mary Pope** (she/her)  
Open Records and Communication Specialist  
El Paso County Communications Department  
719.520.6403 (Office) | 719.244.8832 (Cell)  
[www.ElPasoCo.com](http://www.ElPasoCo.com)

**Citizen Connect Request Number** : [CORA-2412488](#)

**Created** : 12/01/2024

**Name** : martha brodzik

**Email** : [marty@mmbrodzik.com](mailto:marty@mmbrodzik.com)

**Phone** : (719) 439-9890

**Additional Information:**

Town of Palmer Lake - Six Annexation Peitions (from Ms Maria Larsen) for Buc'ees

This CORA request assumes the County Attorney is under the County Administration/Commissioners. If this is incorrect, please also forward this CORA request to the County Attorney's "department". In late Oct 2024, the Town of Palmer Lake received six petitions for annexation as described in the 24 Oct 2024 Board agenda item 6 that can be found at:

<https://mccmeetings.blob.core.usgovcloudapi.net/palmerlake-pubu/MEET-Packet-e5a47d54e3264a5293a992cddd54fa21.pdf>

Per CRS 31-12-108 (2), "The clerk shall give notice as follows:...A copy of the published notice, together with a copy of the resolution and petition as filed, shall also be sent by registered mail by the clerk to the board of county commissioners and to the county attorney of the county wherein the territory is located to any special district or school district having territory within the area to be annexed at least twenty-five days prior to the date fixed for such a hearing...." Provide copies of the stamped and dated registered mail receipts for each recipient (county commissioners, county attorney, etc.) noticed of the 12 Dec 2024 Palmer Lake annexation hearing, as

well as a single copy of the complete notice each recipient received. In other words, assuming the actual notice was identical, only one copy of the complete notice is requested.



**From:** JustFOIA Notification <DouglasCountyCO@request.justfoia.com>  
**Sent:** Tuesday, November 26, 2024 1:09 PM  
**To:** marty mmbrodzik.com  
**Subject:** Douglas County Government - CORA Request Form CORA-2024-595: Confirmation

Hello there~

Please accept this message as confirmation that Douglas County received your request for records on Tuesday, November 26, 2024.

Field Name	Response
------------	----------

RequestorType	Public
OrganizationName	
Name	Martha Brodzik
Phone	719.439.9890
Email	Marty@mmbrodzik.com
Address	PO Box 446
City	Palmer Lake
State	CO
Zip	80133

In late Oct 2024, the Town of Palmer Lake received six petitions for annexation as described in the 24 Oct 2024 Board of Trustees meeting packet under agenda item 6 (beginning on page 27 of the attached file). The applicant’s approach is to arbitrarily divide Palmer Divide Rd up into successive pieces of land to meet the one-sixth contiguity requirement. Here is the link <https://mccmeetings.blob.core.usgovcloudapi.net/palmerlake-pubu/MEET-Packet-e5a47d54e3264a5293a992cddd54fa21.pdf> Since CRS 31-12-105 (f) requires that when annexing a road (in this case Palmer Divide Rd) the entire width of the road be annexed, it appears that Douglas County (BoCC and county attorney) should have been noticed of the hearing on 12 Dec 2024 per CRS 31-12-108(2), “The clerk shall give notice as follows:...A copy of the published notice, together with a copy of the resolution and petition as filed, shall also be sent by registered mail by the clerk to the board of county commissioners and to the county attorney of the county wherein the territory is located...at least twenty-five days prior to the date fixed for such hearing...” As per the above information and CRS 31-12-108 (1), this CORA requests copies of registered mail receipts for those Douglas County recipients (BoCC, county attorney, etc.) each noticed of the 12 Dec 2024 annexation hearing.

DesiredRecordFormat Electronic

Your request reference number is **Request Number: CORA-2024-595** and your security key is **B04E8FD4**.

Staff will respond to you in three business days or less either to provide you with applicable records or to request additional detail in order to better assist you. We appreciate your patience and look forward to serving you.

Sincerely,

**Douglas County CORA Team**

100 Third Street

Castle Rock, CO 80104

303-660-7401



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**Technology Accessibility Disclaimer:** *Douglas County is committed to ensuring digital accessibility for people with disabilities. We are continually improving the user experience for everyone and applying the relevant accessibility standards. If you experience any difficulty in accessing any part of our website or digital products, please contact us. We will work with you to provide the information or service you seek through an accessible method. Contact Information: email: [adacoordinator@douglas.co.us](mailto:adacoordinator@douglas.co.us); website: <https://www.douglas.co.us/accessibility-options/>; phone: 303-660-7401 or 303-663-7791 (TTY enabled); address: 100 Third Street, Castle Rock, CO 80104. We are committed to ongoing improvements to enhance the accessibility of our technology. As we continue to improve, we appreciate your patience and understanding.*



**From:** Arielle Denis <adenis@douglas.co.us>  
**Sent:** Monday, December 2, 2024 3:24 PM  
**To:** marty mmbrodzik.com  
**Subject:** RE: CORA Request - Copy of Response Tues. 11/26/2024

Good afternoon Martha,

It was a pleasure speaking with you today. I am glad we connected by phone, particularly since my response is truncated (sorry!) and you could not confirm receipt of the response I sent through our system.

In sum, I have checked with multiple Douglas County agency staff and no one has confirmed receipt of the Dec. 12, 2024, annexation hearing. This includes the County Commissioners, County Attorney's Office, Community Development, Parks, Open Space, and County Administration.

Thank you!

Kindest regards,

**Arielle J. Denis, Esq.** (she/her)  
**Assistant County Attorney**

100 Third Street | Castle Rock, CO 80104  
adenis@douglas.co.us | 303-660-7478



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**From:** Arielle Denis  
**Sent:** Monday, December 2, 2024 3:13 PM  
**To:** marty@mmbrodzik.com  
**Subject:** CORA Request - Copy of Response Tues. 11/26/2024

## Douglas County Records Request Clarification Needed - CORA-2024-595

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Tue, Nov 26, 2024 at 2:50 pm

**adenis@douglas.co.us**

To **Marty@mmbrodzik.com**

Hello Martha Brodzik~

In order for Douglas County staff to continue to process [Request Number: CORA-2024-595](#), please provide the following:

You are asking for "copies of registered mail receipts for those Douglas County recipients (BoCC, county attorney

Sincerely,

**Douglas County CORA Team**

100 Third Street  
Castle Rock, CO 80104  
(303) 660-7401



Kindest regards,


**Arielle J. Denis, Esq. (she/her)**  
**Assistant County Attorney**

100 Third Street | Castle Rock, CO 80104  
adenis@douglas.co.us | 303-660-7478



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# ATTACHMENT D (2 PAGES)

[Back to Search Results](#) 

**Case Number:** 2024CV31464(District)

**Date Filed:** 2024-08-05

**The United Congregational Church v. The Town Of Palmer Lake**

**Summary**  
**Judge** David A Gilbert  
**Court** El Paso County  
**Division** Div 7-Room 5402 (South Tower)  
**Appealed**  
**Case Closed Date** 11/22/2024

**Case Status** Closed

**Judge or Magistrate**  
**Name** David A Gilbert  
**BAR Number** 13737

**Agency**  
**Agency**      **Agency Case**      **Tkt/Summons Nbr**      **Arrest Nbr**

**Related Cases**  
**Location**      **Case Number**      **Related Reason**      **Name**

**Participants**  
**Litigant**      **Attorney**  
The Town Of Palmer Lake      Krob, Scotty Peck  
**Defendant**      BAR 10572  
**Primary Attorney N**  
The United Congregational Church      Joyce, Craig Douglas  
**Plaintiff**      BAR 10556  
**Primary Attorney N**  
Messenger, Todd  
BAR 38783  
**Primary Attorney N**

**Charges**  
**Count**      **Date**      **Details**

Scheduled Events	Date	Time	Details
	08/22/2024	083000	Status Hearing Held Judge David A Gilbert Room CTRM 7-Room 5402 (South Tower) Setting
	09/16/2024	170000	Status Internal Review Held Judge David A Gilbert Room CTRM 7-Room 5402 (South Tower) Review
	09/19/2024	083000	Status Vacated Judge David A Gilbert Room CTRM 7-Room 5402 (South Tower) Hearing
	09/19/2024	083000	Status Held and Continued Judge David A Gilbert Room CTRM 7-Room 5402 (South Tower) Setting
	10/03/2024	083000	Status Hearing Held Judge David A Gilbert Room CTRM 7-Room 5402 (South Tower) Setting
	10/11/2024	180000	Status Vacated Judge David A Gilbert Room CTRM 7-Room 5402 (South Tower) Review
			Status Internal Review Held Judge David A Gilbert Room CTRM 7-Room 5402 (South Tower)



10/17/2024	180000	Review
		Status Hearing Held Judge David A Gilbert Room CTRM 7-Room 5402 (South Tower)
11/22/2024	110000	Hearing

Date	Code	Description
08/05/2024	PETN	Petition
08/05/2024	COVR	Civil Case Cover Sheet
08/05/2024	SUMM	Summons
08/13/2024	RTSV	Return of Service
08/15/2024	NOTC	Notice
08/23/2024	MINC	Minute Order - Print
08/26/2024	RSPN	Response
09/04/2024	NTHR	Notice of Hearing
09/09/2024	PORD	Proposed Order
09/09/2024	MOTN	Motion
09/10/2024	ORDR	Order
09/11/2024	NOTC	Notice
10/03/2024	MINC	Minute Order - Print
10/03/2024	NTHR	Notice of Hearing
10/08/2024	MINC	Minute Order - Print
10/09/2024	NOTC	Notice
10/21/2024	RTSV	Return of Service
10/21/2024	RTSV	Return of Service
11/06/2024	EXHB	Exhibit - Attach to Pleading/Doc
11/06/2024	PORD	Proposed Order
11/06/2024	STIP	Stipulation
11/08/2024	PORD	Proposed Order
11/08/2024	MOTN	Motion
11/13/2024	ORDR	Order
11/21/2024	WITL	Witness List
11/22/2024	PORD	Proposed Order
11/22/2024	MINC	Minute Order - Print
11/22/2024	ORDR	Order
11/22/2024	CLAD	Case Closed

Proceedings

Judgments

Bond Information

Financial Summary

#	Date	Details	Received
		Un-Assigned Rcp's	-----
		Court Security Cash Fund	\$5.00
		Civil Action Tax	\$1.00
		Justice Center Cash Fund	\$68.00
		Stabilization Fund - USER Fee	\$161.00
		Total Un-Assigned	\$235.00

[Back to Search Results](#)



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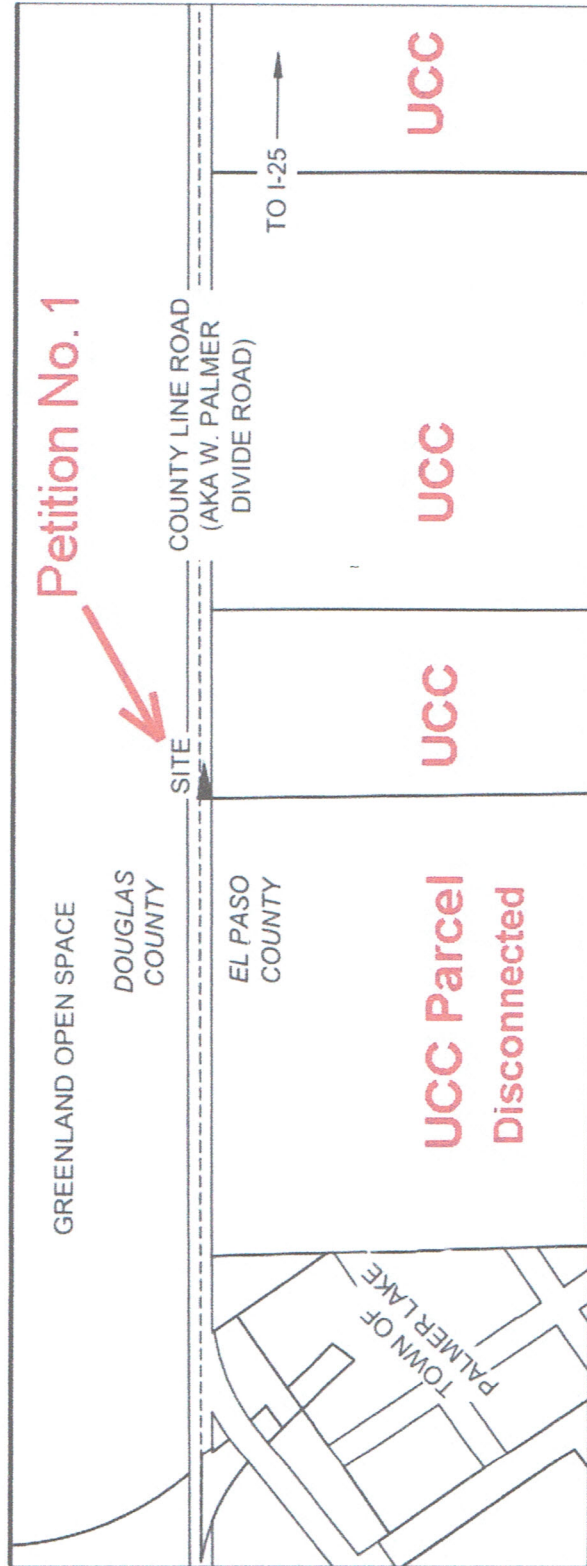
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12/03/2024 08:15 PM

ATTACHMENT E (2 PAGES)



7754.7

PALMER DIVIDE ROAD  
(TO BE ANNEXED)

BEACON LITE ROAD

SITE

# Petition No. 1 start point

DISCONTINUED  
AS OF 22 NOV  
2024

TOWN OF PALMER  
LAKE BOUNDARY

