

RESOLUTION NO. 23-11

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES,
COLORADO, TERMINATING A MEMORANDUM OF UNDERSTANDING
REGARDING DAWG NATION RECREATIONAL FACILITY BETWEEN THE CITY
AND DAWG NATION HOCKEY FOUNDATION**

WHEREAS, pursuant to Resolution No. 21-11, approved by the City Council on July 11, 2021, the City of Castle Pine (the “City”) and DAWG Nation Hockey Foundation, a Colorado nonprofit corporation (“**DAWG Nation**”), entered into that certain Memorandum of Understanding Regarding DAWG Nation Recreational Facility, dated August 24, 2021 (the “**MOU**”), regarding DAWG Nation’s construction and operation of a recreational facility and accessory facilities to accommodate a wide variety of ice sports (the “**Facility**”) on property located within the City; and

WHEREAS, subsection 6(a) of the MOU provides that the MOU shall be terminated upon the mutual written agreement of the City and DAWG Nation; and

WHEREAS, the parties have mutually agreed to terminate the MOU per the letter of termination attached to this Resolution as **Exhibit 1**.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CASTLE PINES, COLORADO, THAT:

Section 1. The City Council hereby: (a) approves the termination of the MOU; and (b) authorizes the Mayor to execute the letter of termination attached and incorporated to this Resolution as **Exhibit 1**.

Section 2. Effective Date. This Resolution shall take effect upon its approval by the City Council.

INTRODUCED, READ, AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES BY A VOTE OF 7 IN FAVOR AND 0 AGAINST THIS 28th DAY OF FEBRUARY, 2023.



ATTEST:

Tobi Duffey

Tobi Duffey, MMC, City Clerk

Tracy Engerman
Tracy Engerman (Mar 6, 2023 23:37 MST)

Tracy Engerman, Mayor

APPROVED AS TO FORM:

Linda C. Michow

Linda C. Michow, City Attorney

EXHIBIT 1

[see attached letter terminating MOU]



MICHOW COX & McASKIN LLP
ATTORNEYS AT LAW

Sent via electronic mail.

February 8, 2023

Marty Richardson, CEO
10658 West Centennial Road, Suite 200
Littleton, Colorado 80127
mrichardson@dawgnation.org

RE: Termination of Memorandum of Understanding Regarding DAWG Nation Recreational Facility dated August 24, 2021 (“MOU”) between the City of Castle Pines, Colorado and DAWG Nation Hockey Foundation (collectively, the “Parties”)

Dear Marty:

Subsection 6(a) of the MOU provides that the MOU shall be terminated upon the Parties’ mutual written agreement to terminate. On behalf of the City of Castle Pines (the “City”), this letter is provided to request DAWG Nation Hockey Foundation’s (“DAWG Nation”) written consent to terminate the MOU under said subsection.

Please confirm DAWG Nation’s agreement to terminate the MOU by signing where indicated below and returning a signed copy of this letter to lori@mcm-legal.com. Following receipt of the signed copy of this letter from you, I will obtain the Mayor’s signature on the same and provide you with a fully executed copy for your records.

Upon both Parties’ execution of this letter, the MOU shall be deemed terminated and of no further force and effect except for terms that must, due to their nature, survive termination of the MOU.

Please contact me at your earliest convenience if you have any questions or concerns.

Sincerely,

Lori B. Strand
Assistant City Attorney
City of Castle Pines

(Signature pages follow)

By signing below, the Parties consent to the termination of that certain Memorandum of Understanding Regarding DAWG Nation Recreational Facility dated August 24, 2021 between the City of Castle Pines, Colorado and DAWG Nation Hockey Foundation.

For DAWG Nation Hockey Foundation:

Martin Richardson

Martin Richardson (Feb 13, 2023 12:36 MST)

By: Martin Richardson, CEO & President

For the City of Castle Pines:

By: Tracy Engerman, Mayor (per Resolution No. _____)

cc: Mike Lane via email (mike@mccartylane.com)