

**TOWNSHIP OF CHESTERFIELD  
RESOLUTION 2023-3-12**

**RESOLUTION AUTHORIZING EXECUTION OF AMENDMENT TO ESCROW  
AGREEMENT WITH ACTIVE ACQUISITIONS OY LLC**

**WHEREAS**, Active Acquisitions is the prospective Purchaser of certain property formerly known as the Old York Country Club, formally known as Block 701, Lot 2,01 the Township Tax Maps ("the Property"); and

**WHEREAS**, in March 2020, the Township entered into an Escrow Agreement with Active Acquisitions for the purposes of pursuing an investigation into whether the property qualified as "an area in need of rehabilitation" and;

**WHEREAS**, by Resolution 2020-5-6, the Township Committee designated the property as an area in need of rehabilitation; by Resolution 2022-12-6, named Active Acquisitions as the Designated Redeveloper for the property, and by Resolution 2022-12-18 authorized the execution of Redevelopment Agreement with Active Acquisitions; and

**WHEREAS**, by Ordinances 2022-15 and 2022-17, the Township Committee adopted a Redevelopment Plan for the property, and an amendment to said Redevelopment Plan; and

**WHEREAS**, litigation has been instituted in the Superior Court of New Jersey, Law Division, Burlington County, captioned: "Save Old York, et al v. Township of Chesterfield, et al., Docket No. BUR-L-002322-22, which litigation seeks to invalidate said Redevelopment Plan; and

**WHEREAS**, Active Acquisitions has agreed to fund the Township's defense of said litigation, so long as the Parker McCay P.A. and John C. Gillespie, Esquire continue to be retained by the Township to defend its interests, as Parker McCay was counsel to the Township during all relevant time frames at issue in the litigation; and

**WHEREAS**, the Superior Court has established certain time frames for the filing of briefs by the parties, on a relatively accelerated schedule, and the Township Committee deems it appropriate to retain the services of Parker McCay P.A. and John C. Gillespie Esquire to defend its (and the Township's) interests in said litigation, with Active Acquisitions paying the reasonable costs and attorneys' fees associated with said defense; and

**WHEREAS**, it is therefore appropriate to amend the March 2022 Escrow Agreement between the Township and Active Acquisitions to include the payment of these fees and costs;

**WHEREAS**, the Township Committee deems it appropriate to authorize the execution of said Amendment to Escrow Agreement.

**NOW, THEREFORE, BE RESOLVED** by the Township Committee of the Township of Chesterfield, County of Burlington and State of New Jersey, that the Mayor and Clerk be

and are hereby authorized and directed to execute the attached Amendment to Escrow Agreement with Active Acquisitions OY LLC.

**CHESTERFIELD TOWNSHIP COMMITTEE**

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I, Caryn M. Hoyer, Clerk of the Township of Chesterfield in the County of Burlington and State of New Jersey do hereby certify the foregoing Resolution to be a true and accurate copy of the Resolution approved by the Township Committee at a duly advertised meeting held on \_\_\_\_\_, 2023 at which a quorum was present.

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Caryn M. Hoyer, RMC  
Township Clerk

4875-3921-9029, v. 1