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MEMO

## Office of the Mayor

**To:** City Council  
**From:** John R. Pick   
**Subject:** Granting an Additional Nine Months for the Establishment of a Garden and Outdoor Center on the former Ulman Theater Property  
**Date:** July 5, 2005

Attached, for your consideration, is a resolution that has the effect of granting an additional nine months for the establishment of a garden and outdoor center on the former Ulman Theater Property.

On May 24, 2004, the City entered into a disposition agreement with Randy and Anne Taylor in connection with their purchase of the former Ulman Theater property. Under the terms of this disposition agreement, the Taylors were given until June 30, 2004 to establish a garden and outdoor center on this property. If they failed to do so within the time period allowed, the City had the right, upon issuing a 60-day notice, to reenter and take possession of the property. As of April 29, 2005, the Taylors had not made the required improvements on the property and notice was issued to them giving them 60 days to make the necessary improvements or to be considered in default. On June 1, 2005, Anne Taylor wrote a letter, a copy of which is attached, requesting that they be given an additional nine months to establish the required garden and outdoor center. Their reasons for not being able to establish this business up to now are detailed in the letter.

Since the Taylors are still interested in developing this property as promised when they purchased it from the City, and since the City is still interested in having it developed, the Mayor recommends that the Taylors be granted the additional time requested.

If you have any questions, please let me know.

cc: Mayor Tilghman  
Carol Turner  
Brenda Colegrove

6-1-05

John Pick  
City Administrator  
City of Salisbury  
125 Division Street  
Salisbury, Md. 21801

John,

As a follow-up to your letter of April 26<sup>th</sup> and our hunch meeting, I am writing to formally request an extension of our disposition agreement with regard to Ulman Theater lot. As we have made significant progress, we have not yet completed our development of the garden center.

Our request for the extension is for a period of 9 months. To date, we have made significant strides with the installation of the fence, sealing of the lot and the preparation of structural drawings for the entrance from our current building. In short, we simply need more time. At this point, we need to deal with the completion of the improvements and given the structural nature of the entrance, that has been quite a challenge. Beyond that, the ultimate inventory of the space will be both garden furniture which is less seasonal but also plant material which is entirely seasonal. Since we missed the Spring season due to delays, the next season for the plant material is the Fall/05'. A problem I perceived as entirely ours and not an issue with regard to the disposition agreement. Obviously, we will be making progressive improvement over the next several months and we believe we will be fully "online" by Fall and hoping to have some Christmas items during the off season.

It was my understanding that our disposition agreement with the City of Salisbury was a means to assure that there would be development for the benefit of the Downtown in accordance with our plan. To the extent that this issue is a concern, let us assure you that our intentions are to be in full operation as soon as possible.

The good news is 2 fold. First, we are looking at a variety of inventory to sell in lines of outdoor garden items. Some of those items will be for outdoor seating with which we hope to also use for weekend events to include music and related activities during the summer months. Second, we have been approached by Salisbury University to host a film on the lot during the River Fest event in October. We have been coordinating with them to accommodate their needs and are excited to be able to assist in that project. Further, we have had discussions with members of art community to do large paintings to be hung on the brick walls in the open lot. The theme and approach is subject to discussion and Historic District approval, however, I think that this will be a great improvement to the visual landscape of that section of the plaza. All of these ideas

are proceeding nicely and are shaping up to be nice attractions for Downtown Salisbury. I think that is a goal that both the City of Salisbury and Parker Place, Inc. certainly do share.

We are very excited about the ultimate development of the garden center. Everyday, we get compliments of the improvements we have made to what was a blank canvas of parking. We hope that the City of Salisbury will continue to take a supportive stance with the role we have tried to play Downtown despite challenging circumstances. We apologize for our delays but I think we agree this is certainly not uncommon in the life of a small business. We are proceeding as diligently as possible and we ask for your patience in that process.

As a follow-up to our request, please feel free to call me at my store at 410-860-1263.

Sincerely Yours,



Anne P. Taylor, President  
Parker Place

RESOLUTION NO. 1270

A RESOLUTION OF THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND GRANTING AN ADDITIONAL NINE MONTHS FOR THE OWNERS OF THE FORMER ULMAN THEATER PROPERTY TO ESTABLISH A GARDEN AND OUTDOOR CENTER ON THE PROPERTY

WHEREAS, on May 24, 2004 the City Council entered into a Disposition Contract with Randolph J. and Anne P. Taylor in conjunction with the sale of a parcel of land on West Main Street in Salisbury also known as the Ulman Theater property; and

WHEREAS, under the terms of this Disposition Contract, the Taylors were given until June 30, 2004 to construct a garden and outdoor center on this property; and

WHEREAS, for a variety of reasons the Taylors were not able to meet this deadline and have not as of yet established such a center on the property; and

WHEREAS, the disposition agreement provides that, if the specified improvements are not completed in a timely manner, the City has the right to provide the owners with a 60 day notice, and, if the improvements are then not completed in a timely manner, the owner will be considered in default and the City will have the right to re-enter and take possession of the property; and

WHEREAS, on April 29, 2005 the City gave the Taylors the required notice that they had 60 days to establish a garden and outdoor center on this property or to be considered in default under the disposition agreement; and

WHEREAS, the Taylors have requested that they be given an extension of nine months to complete the development of the garden and outdoor center:

NOW, THEREFORE, BE IT RESOLVED that the Salisbury City Council grants the Taylors an additional nine months to establish a garden and outdoors center on the property known as the Ulman Theater property;

AND, BE IT FURTHER RESOLVED that the additional nine months shall begin on the effective day of this resolution;

AND, BE IT FURTHER RESOLVED that if the Taylors are unable to establish the garden and outdoor center within the additional nine months granted by this resolution, the City may exercise its rights under the disposition agreement dated May 24, 2004.

THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the Council of the City of Salisbury, Maryland held on \_\_\_\_ day of \_\_\_\_\_, 2005 and is to become effective immediately upon adoption.

ATTEST:

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Brenda J. Colegrove  
CITY CLERK

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Michael P. Dunn  
PRESIDENT, City Council

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Barrie P. Tilghman  
MAYOR, City of Salisbury