

AGREEMENT

WOODBURY-CUNARD ASSOCIATES

and

CITY OF BOSTON
ASSESSING DEPARTMENT

Re: Woodbury-Cunard
MHFA Project No. 74-136-N
East Boston

The following sets forth the understanding reached after several conferences between the Lidapell Corporation, General Partner of Woodbury-Cunard Associates and Bernard Shadrawy, Commissioner of Assessing for the City of Boston, concerning tax payments to be made by the Partnership pursuant to the Contract under Section 6A of Chapter 121A between the Partnership and the City of Boston during the operation of the Project.

The Partnership will pay to the City of Boston commencing with the year in which the Partnership receives a certificate of completion from the Boston Redevelopment Authority, the amount by which the sum computed in the formula set forth below exceeds the excise tax payable under Section 10 of Chapter 121A for each such year:

1. With respect to residential units subsidized under Section 8 of the U.S. Public Housing Act of 1937, ten (10%) per cent of the gross collected rental income (including subsidy) of the Project; with respect to said residential units so subsidized for the second year and for each year thereafter, ten (10%) per cent of the gross collected rental income (including subsidy),

plus an amount in each year increasing by one and one-half (1.5%) per cent of such gross rental income in each year until the maximum of such gross rental income shall reach twenty (20%) per cent; provided however that in no event shall the Partnership be responsible for any additional payments above the ten (10%) per cent of such gross rental income unless such payments are funded by the Department of Housing and Urban Development under Section 8 or alternative subsidy HUD programs.

2. With respect to residential units rented at the market rate, the Partnership will pay to the City of Boston twenty (20%) per cent of the gross collected rental income of the Project for the first two years, twenty-two (22%) per cent of the gross collected rental income for next succeeding two year period (third and fourth year), and twenty-three (23%) per cent of such market rental income each year thereafter so long as the Project shall be subject to Chapter 121A.

2. With respect to commercial uses, the Partnership will pay to the City of Boston twenty (20%) per cent of the gross collected rental income of the Project for the first two years, twenty-two (22%) per cent of the gross collected rental income for the next succeeding two year period (third and fourth year) and twenty-five (25%) per cent of such commercial rental income each year thereafter so long as the Project shall be subject to Chapter 121A.

It is further understood and agreed that the maximum fair cash value during the years of operation of the Project while it is subject to Chapter 121A will be an amount determined for the maximum period permitted under said Section 10 which will assure that the excise tax payable under Section 10 of Chapter 121A will not exceed the percentage amounts payable under this agreement.

WOODBURY-CUNARD ASSOCIATES

LIDAPPELL CORPORATION

General Partner

Pat Jones V.P.

By: _____

CITY OF BOSTON

By: *Jack Kardon*

Jack Kardon, Associate Commissioner