# GENERAL MEETING OF THE BOARD OF DIRECTORS <br> OF THE CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY 

## RESOLUTION NO. 11-058

## RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS COUNTY FOR THE US 290 EAST TOLL PROJECT (Parcel 61)


#### Abstract

WHEREAS, pursuant to and under the authority of Subchapter E, Chapter 370, Texas Transportation Code and other applicable law, the Central Texas Regional Mobility Authority ("CTRMA") has found and determined that to promote the public safety, to facilitate the safety and movement of traffic, and to preserve the financial investment of the public in its roadways and the roadways of the State of Texas, public convenience and necessity requires acquisition of fee simple title to that certain 14.084 acres described by metes and bounds in Exhibit "A" to this Resolution (the "Subject Property"), owned by the Butler Family Partnership, Ltd., (the "Owner"), located at the northwest corner of US Hwy 290E and Parmer Lane in Travis County, for the construction, reconstruction, maintaining, widening, straightening, lengthening, and operating of the US 290 East Toll Project (the "Project"), as a part of the improvements to the Project, but excluding all the oil, gas, and sulphur which can be removed from beneath the Subject Property, without any right whatever remaining to the owner of such oil, gas, and sulphur of ingress to or egress from the surface of the Subject Property for the purpose of exploring, developing, or mining of the same, and that such constructing, reconstructing, maintaining, widening, straightening, lengthening, and operating of the Project shall extend across and upon, and will cross, run through, and be upon the Subject Property; and


WHEREAS, an independent, professional appraisal report of the Subject Property has been submitted to the CTRMA, and an amount has been established to be just compensation for the property rights to be acquired; and

WHEREAS, the Executive Director of the CTRMA, through agents employed or contracted with the CTRMA, has transmitted an official written offer to the Owner, based on the amount determined to be just compensation, and has entered into good faith negotiations with the Owner of the Subject Property to acquire the Subject Property; and

WHEREAS, as of the date of this Resolution, the Executive Director and the Owner have failed to agree on the amount determined to be just compensation and damages, if any, due to said Owner for the Subject Property; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the CTRMA that the Executive Director is specifically authorized and directed to acquire the Subject Property and all leasehold interests in the Subject Property for the Project by agreement, subject to approval of the purchase contract by the Board of Directors of the CTRMA; and

BE IT FURTHER RESOLVED that the Executive Director is specifically authorized to negotiate and execute, if possible, a possession and use agreement in such form as is acceptable to the Executive Director and for consideration in an amount not to exceed ninety percent $(90 \%)$ of the purchase price set forth in the official written offer to purchase the Subject Property previously transmitted to the Owner; and

BE IT FURTHER RESOLVED that the Executive Director is specifically authorized to negotiate and execute, if possible, a purchase contract for consideration in an amount not to exceed the purchase price set forth in the official written offer to purchase the Subject Property previously transmitted to the Owner; and

BE IT FURTHER RESOLVED that at such time as the Executive Director concludes that further negotiations with Owner to acquire the Subject Property by agreement would be futile, the Executive Director or his designee is hereby authorized and directed to file or cause to be filed a suit in eminent domain to acquire the property interests for the aforesaid purposes against the Owner and the owners of any interest in, and the holders of any lien secured by, the Subject Property, the Subject Property described in the attached Exhibit "A" to this Resolution; and

BE IT FURTHER RESOLVED that the Executive Director or his designee is hereby authorized and directed to incur such expenses and to employ such experts as he shall deem necessary to assist in the prosecution of such suit in eminent domain, including, but not limited to, appraisers, engineers, and land use planners.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the $27^{\text {th }}$ day of April, 2011.

Submitted and reviewed by:


Andrew Martin, General Counsel CentralTexas Regional Mobility Authority

Resolution Number 11-058
Date Passed: 04/27/11

## Exhibit "A" to Resolution 11-058

Description of Parcel 61
$\qquad$

County: Travis

Parcel No.: 61
Highway: U.S. Highway 290
Project Limits: From: E of US 183
To: E of SH 130
Right of Way CSJ: 0114-02-085

## PROPERTY DESCRIPTION FOR PARCEL 61

DESCRIPTION OF 14.084 ACRES (613,481 SQ. FT.) OF LAND OUT OF THE JAMES MANOR SURVEY NO. 40, ABSTRACT NO. 546, IN AUSTIN, TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 232.03 ACRES (FIRST TRACT) IN A DEED TO ROY A. BUTLER, OF RECORD IN VOLUME 4282, PAGE 1082, DEED RECORDS, TRAVIS COUNTY, TEXAS, SAID 232.03 ACRES BEING A PART OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 275.66 ACRES (TRACT 3) IN A DEED TO THE BUTLER FAMILY PARTNERSHIP, LTD., OF RECORD IN VOLUME 12271, PAGE 872, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, SAID 14.084 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a $1 / 2^{\prime \prime}$ iron rod set with a TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) aluminum cap to be replaced by a TxDOT Type II concrete monument after acquisition, 319.01 feet left of Engineer's Baseline Station $1535+75.96$, in the proposed north right-of-way (ROW) line of U.S. Highway 290, at the northwest corner of the herein described tract, same being in the existing east ROW line of FM 734 (Parmer Lane), and the east line of that certain tract of land described as 1.035 acres in a deed to the State of Texas, of record in Volume 13218, Page 2065, Real Property Records, Travis County, Texas, from which point a TxDOT Type II concrete monument found in the existing east ROW line of FM 734 (Parmer Lane), and the east line of said 1.035 acre State of Texas tract, bears N3840'13"W 225.67 feet;

THENCE, with the proposed north ROW line of U.S. Highway 290 and the north line of this tract, crossing said 232.03 acre Butler Family tract, the following six (6) courses numbered 1 through 6;

1) $\mathbf{S} 72^{\circ} 48^{\prime} 17^{\prime \prime} \mathbf{E} \mathbf{1 3 6 . 0 9}$ feet to a $1 / 2^{\prime \prime}$ iron rod set with a TxDOT aluminum cap to be replaced with a TxDOT Type II concrete monument after acquisition, 240.73 feet left of Engineer's Baseline Station 1536+82.11;

## EXHIBIT

$\qquad$
2) $\mathrm{N} 74^{\circ} 02^{\prime} 39^{\prime \prime} \mathrm{E} 143.39$ feet to a $1 / 2^{\prime \prime}$ iron rod set with a TxDOT aluminum cap to be replaced with a TxDOT Type II concrete monument after acquisition, 238.88 feet left of Engineer's Baseline Station 1538+19.73;
3) $N 76^{\circ} 11^{\prime} 14^{\prime \prime} \mathrm{E}$, passing at 5.46 feet a $1 / 2^{\prime \prime}$ iron rod set with a TxDOT aluminum cap to be replaced with a TxDOT Type II concrete monument after acquisition, 238.67 feet left of Engineer's Baseline Station $1538+24.97$ and continuing 114.91 feet for a total distance of $\mathbf{1 2 0 . 3 7}$ feet to a $1 / 2$ " iron rod set with a TxDOT aluminum cap to be replaced with a TxDOT Type II concrete monument after acquisition, 234.37 feet left of Engineer's Baseline Station $1539+39.80$, said point being the point of beginning of a curve;
4) with said curve to the right whose intersection angle is $05^{\circ} 09^{\prime} 25^{\prime \prime}$, radius is $11,481.16$ feet, at a sub arc distance of 860.38 feet passing a $1 / 2^{\prime \prime}$ iron rod set with a TxDOT aluminum cap to be replaced with a TxDOT Type II concrete monument after acquisition, 233.41 feet left of Engineer's Baseline Station $1547+99.98$, continuing a total arc distance of $1,033.38$ feet, the chord of which bears $N 74^{\circ} 32^{\prime} 23^{\prime \prime} \mathrm{E} 1,033.03$ feet to a $1 / 2^{\prime \prime}$ iron rod set with a TxDOT aluminum cap to be replaced with a TxDOT Type II concrete monument after acquisition, 225.43 feet left of Engineer's Baseline Station 1549+72.79, at the point of tangency of said curve;
5) $\mathrm{N} 77^{\circ} 07^{\prime} 06^{\prime \prime} \mathrm{E} 194.59$ feet to a $1 / 2^{\prime \prime}$ iron rod set with a TxDOT aluminum cap to be replaced with a TxDOT Type II concrete momument after acquisition, 215.00 feet left of Engineer's Baseline Station 1551+67.10; and
6) $\mathrm{N} 74^{\circ} \mathbf{0 2} \mathbf{3}^{\prime} \mathbf{3 9} \mathrm{E} \mathrm{E}$, at 632.89 feet passing a $1 / 2^{\prime \prime}$ iron rod set with a TxDOT aluminum cap to be replaced with a TxDOT Type II concrete monument after acquisition, 215.00 feet left of Engineer's Baseline Station 1557+99.98, continuing 627.32 feet, in all a total distance of $\mathbf{1 2 6 0 . 2 1}$ feet to a $1 / 2^{"}$ iron rod set with a TxDOT aluminum cap, 215.00 feet left of Engineer's Baseline Station $1564+27.30$, at the northeast corner of this tract, same being in the east line of said 232.03 acre Butler Family tract, and the west line of that certain tract of land described as 124.65 acres in a deed to Las Entradas Development Corporation, of record in Document 2007002485, Official Public Records, Travis County, Texas, from which point a $3 / 4$ " iron pipe found at the northeast corner of said 232.03 acre Butler Family tract, and the north corner of said Las Entradas Development tract, being in the existing southwest ROW line of Hill Lane, a public ROW for which no record information was found, bears N27º $26^{\prime} 52^{\prime \prime} \mathrm{E} 2764.46$ feet;

## EXHIBIT

7) THENCE, with the east line of this tract and said 232.03 acre Butler Family tract, same being the west line of said Las Entradas Development tract, S27²6'52"W 272.07 feet to a calculated point at the west corner of said Las Entradas Development tract and at the northwest corner of that certain tract of land described as 3.609 acres (Part 1) in a deed to the State of Texas, of record in Volume 3329, Page 629, Deed Records, Travis County, Texas, from which point a TxDOT Type I concrete monument found bears N10 ${ }^{\circ} 56^{\prime} 33^{\prime \prime} \mathrm{W} 0.89$ feet;
8) THENCE, continuing with the east line of this tract and said 232.03 acre Butler Family
 24.77 feet to a calculated point at the southeast corner of this tract and said 232.03 acre Butler Family tract, same being the northeast corner of that certain tract of land described as 0.040 of one acre (Part II) in a deed to the State of Texas, of record in Volume 3269, Page 1500, Deed Records, Travis County, Texas, also being in the existing north ROW line of U.S. Highway 290, from which point a TxDOT Type I concrete monument found bears $\mathrm{N} 49^{\circ} 40^{\prime} 49^{\prime \prime} \mathrm{E} 4.08$ feet;
9) THENCE, with the south line of this tract and said 232.03 acre Butler Family tract, same being the existing north ROW line of U.S. Highway 290, the north line of said 0.040 acre State of Texas tract, the north line of that certain tract of land described as 1.332 acres in a deed to the State of Texas, of record in Volume 3269, Page 1492, Deed Records, Travis County, Texas, the north line of that certain tract of land described as 1.328 acres (Part I), in a deed to the State of Texas, of record in Volume 3269, Page 1500 , Deed Records, Travis County, Texas, and the north line of that certain tract of land described as 1.321 acres in a deed to the State of Texas, of record in Volume 3269, Page 1496, Deed Records, Travis County, Texas, $\mathbf{S 7 4}^{\circ} \mathbf{0 3}{ }^{\prime} \mathbf{4 1}{ }^{\prime \prime} \mathbf{W}$ W, at 864.64 feet passing a TxDOT Type I concrete monument found, continuing 1220.91 feet, in all a total distance of $\mathbf{2 0 8 5 . 5 5}$ feet to a calculated point at the northwest corner of said 1.321 acre State of Texas tract, from which point a TxDOT Type I concrete monument found bears $N 65^{\circ} 36^{\prime} 30^{\prime \prime} \mathrm{E} 1.11$ feet, and from which point a TxDOT Type I concrete monument found bears $\mathrm{N} 89^{\circ} 32^{\prime} 30^{\prime \prime} \mathrm{E} 2.36$ feet;
10) THENCE, continuing with the south line of this tract and said 232.03 acre Butler Family tract, same being the existing north ROW line of U.S. Highway 290, and the west line of said 1.321 acre State of Texas tract, $\mathbf{S 2 8}^{\circ} 00^{\prime} \mathbf{3 5}$ " W 5.56 feet to a calculated point at the northeast corner of that certain tract of land described as 0.714 , of one acre of land (Part II), in a deed to the State of Texas, of record in Volume 3151, Page 273, Deed Records, Travis County, Texas;

## EXHIBIT

$\qquad$
11) THENCE, continuing with the south line of this tract and said 232.03 acre Butler Family tract, same being the existing north ROW line U.S. Highway 290, and with the north line of said 0.714 of one acre State of Texas tract, $S^{\prime} 74^{\circ} 03^{\prime} 41^{\prime \prime} \mathrm{W} 438.96$ feet to a calculated point at the southwest corner of this tract, the southeast corner of said 1.035 acre State of Texas tract, same being in the existing east ROW line of FM 734 (Parmer Lane);
12) THENCE, with the west line of this tract, crossing said 232.03 acre Butler Family Tract, and with the existing east ROW line of FM 734 (Parmer Lane), and the east line of said 1.035 acre State of Texas tract, $\mathrm{N} 38^{\circ} \mathbf{4} 0^{\prime} 13^{\prime \prime} \mathrm{W} 343.86$ feet to the POINT OF BEGINNING and containing 14.084 acres within these metes and bounds, more or less.

All bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD83(93) HARN. All distances and coordinates were adjusted to surface using a combined scale factor of 1.00011 .

ACCESS MAY BE PERMITTED TO AND FROM THE TRANSPORTATION FACILITY ACROSS THE PROPOSED RIGHT-OF-WAY LINE AS DESCRIBED HEREIN, BEING THE COMMON BOUNDARY LINE BETWEEN THE PROPOSED U.S. 290 HIGHWAY FACILITY AND THE REMAINDER OF THE ABUTTING PROPERTY.

## STATE OF TEXAS

## COUNTY OF TRAVIS

## KNOW ALL MEN BY THESE PRESENTS:

That I, Chris Conrad, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this the 3rd day of December, 2010 A.D.

## SURVEYED BY:

McGRAY \& McGRAY LAND SURYEYORS, INC. 3301 Hancock Dr., Ste. 6 Austin, TX 78731. (512) 451-8591


| DEED <br> ACREAGE | 230.995 AC. |
| :---: | :---: |
| ACQUISITION <br> ACREAGE | 14.084 AC. |
| ACQUISITION <br> SQUARE FEET | 613,481 |
| REMAINDER <br> ACREAGE | 216.911 AC. |
| REMAINDER <br> SQUARE FEET | $9,448,661$ |

## LEGEND

| CURVE TABLE |  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| CURVE | LENGTH | RADIUS | DELTA | TANGENT | BEARING | CHORD |
| C1 | 1033.38 | 11481.16 | 05*09'25" | 517.04 | N74.32'23'E | 1033.03 |
| C1A | 860.38 | 11481.16 | 04'17'37" | 430.39 | N74*06'29 ${ }^{\prime \prime} \mathrm{E}$ | 860.18 |
| C1B | 172.99 | 11481.16 | $00{ }^{\prime} 1^{\prime} 48^{\prime \prime}$ | 86.50 | N76.41'12"E | 172.99 |

## U.S. HIGHWAY 290

(R.O.W. VARIES)

| LEGEND |  |
| :---: | :---: |
| $\square$ | TXDOT TYPE I CONCRETE MONUMENT FOUND |
| - | TXDOT TYPE II CONCRETE MONUMENT FOUND |
| $\square$ | 1/2" IRON ROD SET WITH TXDOT ALUM. CAP TO BE REPLACED WITH A TXDOT TYPE II |
|  | 1/2" IRON ROD SET WTH TXDOT ALUM CAP |
| $\odot$ | IRON PIPE FOUND (SIZE NOTED) |
| $\bullet$ | 1/2" IRON ROD FOUND (UNLESS NOTED) |
| $\triangle$ | 60D NAIL FOUND |
| $\triangle$ | CALCULATED POINT |
| 0 | FENCE POST |
| N.T.S. | NOT TO SCALE |
| (XXX) | RECORD INFORMATION |
| P.O.B | POINT OF BEGINNING |
| P.O.R. | POINT OF REFERENCE |
|  | ACCESS DENIAL LINE |
| PRTC | PLAT RECORDS OF TRAVIS COUNTY |
| DRTC | DEED RECORDS OF TRAVIS COUNTY |
| RPRTC | REAL PROPERTY RECORDS OF TRAVIS COUNTY |
| OPRTC | OFFICIAL PUBLIC RECORDS OF TRAVIS |
|  | COUNTY |

3301 HANCOCK DRIVE *6 AUSTIN, TEXAS 78731 (512) 451-8591

PLAT OF 14.084 AC. OF LAND OUT OF THE JAMES MANOR SURVEY NO. 40, ABSTRACT NO. 546, SAME BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 275.66 AC. (TRACT 3) IN A DEED TO THE BUTLER FAMILY PARTNERSHIP, LTD., OF RECORD IN VOLUME 12271, PAGE 872, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS

TRAVIS COUNTY
U.S. 290

CSJ 0114-02-085
PARCEL 61
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# FINAL CLOSURES PARCEL 61 <br> US HWY 290 

## PARCEL 61 - STRIPMAP MAPCHECK

North: 10090999.9359 East: 3173693.1227
Course: S 72-48-17 E Distance: 136.09000
North: 10090959.7037 East: 3173823.1299 Course: N 74-02-39 E Distance: 143.39000
North: 10090999.1211 East: 3173960.9956
Course: N 76-11-14 E Distance: 120.37000
North: 10091027.8594 East: 3174077.8846
Arc Length: 1033.37878 Radius: 11481.16000 Delta: 5-09-25
Tangent: 517.03849 Chord: 1033.03000 Ch Course: N 74-32-23 E Course In: S 18-02-20 E Out: N 12-52-54 W
Ctr North: 10080111.0308 East: 3177633.1467
End North: 10091303.2345 East: 3175073.5350
Course: N 77-07-06 E Distance: 194.59000
North: 10091346.6160 East: 3175263.2276
Course: N 74-02-39 E Distance: 1260.21000
North: 10091693.0430 East: 3176474.8866
Course: S 27-26-52 W Distance: 272.07000
North: 10091451.5996 East: 3176349.4787
Course: S 27-26-52 W Distance: 24.77000
North: 10091429.6179 East: 3176338.0612
Course: S 74-03-41 W Distance: 2085.55000
North: 10090856.9107 East: 3174332.6871
Course: S 28-00-35 W Distance: 5.56000
North: 10090852.0020 East: 3174330.0760
Course: S 74-03-41 W Distance: 438.96000
North: 10090731.4604 East: 3173907.9912
Course: N 38-40-13 W Distance: 343.86000
North: 10090999.9307 East: 3173693.1345

Perimeter: 6058.79878

Area: $613480.70644 \quad 14.08358$ acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.012863 Course: N 66-14-12 W
Precision 1: 471033.75

## PARCEL 61 - SKETCH MAPCHECK

North: 10095714.5899 East: 3166523.0924
Course: S 72-48-17 E Distance: 136.09000
North: 10095674.3577 East: 3166653.0995
Course: N 74-02-39 E Distance: 143.39000
North: 10095713.7751 East: 3166790.9653
Course: N 76-11-14 E Distance: 120.37000
North: 10095742.5134 East: 3166907.8543
Arc Length: 1033.37878 Radius: 11481.16000 Delta: 5-09-25
Tangent: 517.03849 Chord: 1033.03000 Ch Course: N 74-32-23 E
Course In: S 18-02-20 E Out: N 12-52-54 W
Ctr North: 10084825.6848 East: 3170463.1163
End North: 10096017.8885 East: 3167903.5046

# FINAL CLOSURES PARCEL 61 US HWY 290 

## PARCEL 61 - SKETCH MAPCHECK (cont.)

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    Course: N 77-07-06 E Distance: 194.59000
    North: 10096061.2701 East: 3168093.1973
    Course: N 74-02-39 E Distance: 1260.21000
    North: 10096407.6971 East: 3169304.8563
    Course: S 27-26-52 W Distance: 272.07000
    North: 10096166.2537 East: 3169179.4483
    Course: S 27-26-52 W Distance: 24.77000
    North: 10096144.2720 East: 3169168.0309
    Course: S 74-03-41 W Distance: 2085.55000
    North: 10095571.5648 East: 3167162.6568
    Course: S 28-00-35 W Distance: 5.56000
    North: 10095566.6561 East: 3167160.0457
    Course: S 74-03-41 W Distance: 438.96000
    North: 10095446.1144 East: 3166737.9608
    Course: N 38-40-13 W Distance: 343.86000
    North: 10095714.5847 East: 3166523.1041
        Perimeter: 6058.79878
        Area: 613480.70644 14.08358 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.012863
                            Course: N 66-14-12 W
Precision 1: 471033.75
PARCEL 61 - DESCRIPTION MAPCHECK
North: 10088997.0330 East: 3162783.7569
Course: S 72-48-17 E Distance: 136.09000
North: 10088956.8008 East: 3162913.7640
Course: N 74-02-39 E Distance: 143.39000
North: 10088996.2181 East: 3163051.6298
Course: N 76-11-14 E Distance: 120.37000
North: 10089024.9565 East: 3163168.5188
Arc Length: 1033.37878 Radius: 11481.16000 Delta: 5-09-25
Tangent: 517.03849 Chord: 1033.03000 Ch Course: N 74-32-23 E
Course In: S 18-02-20 E Out: N 12-52-54 W
Ctr North: 10078108.1279 East: 3166723.7808
End North: 10089300.3315 East: 3164164.1691
Course: N 77-07-06 E Distance: 194.59000
North: 10089343.7131 East: 3164353.8618
Course: N 74-02-39 E Distance: 1260.21000
North: 10089690.1401 East: 3165565.5208
Course: S 27-26-52 W Distance: 272.07000
North: 10089448.6967 East: 3165440.1128
Course: S 27-26-52 W Distance: 24.77000
Press any key for more...
North: 10089426.7150 East: 3165428.6954
Course: S 74-03-41 W Distance: 2085.55000
North: 10088854.0078 East: 3163423.3213
Course: S 28-00-35 W Distance: 5.56000
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# FINAL CLOSURES PARCEL 61 

 US HWY 290PARCEL 61 - DESCRIPTION MAPCHECK (cont.)
North: 10088849.0991 East: 3163420.7102
Course: S 74-03-41 W Distance: 438.96000
North: 10088728.5575 East: 3162998.6253
Course: N 38-40-13 W Distance: 343.86000
North: 10088997.0278 East: 3162783.7686
Perimeter: 6058.79878
Area: 613480.70644 14.08358 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.012863 Course: N 66-14-12 W
Precision 1. 471033.75

