



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 22, 1991

Mr. Donald R. Boehm
Assistant Superintendent
Houston Independent School District
3830 Richmond Avenue
Houston, Texas 77027-5838

OR91-516

Dear Mr. Boehm:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 11784.

You have received a request for information relating to the proposed purchase of properties for expansion of a certain elementary school site. Specifically, the requestor seeks eight enumerated items of information. You object to the release of one item, the appraisal reports, which you claim are excepted from required public disclosure by sections 3(a)(5) and 3(a)(11) of the Open Records Act. Because you raise no exception to the release of the other requested items, they must be released. See V.T.C.S. art. 6252-17a, § 7(a)(b); Attorney General Opinion JM-672 (1987).

Section 3(a)(5) excepts from required public disclosure

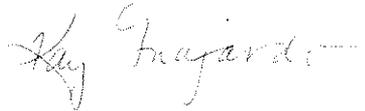
information pertaining to the location of real or personal property for public purposes prior to public announcement of the project, and information pertaining to appraisals or purchase of real or personal property for public purposes prior to the formal award of contracts therefor.

This exception applies to any information pertaining to appraisals or purchase price

of Real Property. Open Records Decision No. 564 (1990). It is designed to protect a governmental body's planning and negotiating position with regard to particular transactions. *Id.* This protection applies until the transaction is completed. Open Records Decision No. 310 (1982). In this case, you advise us that the purchase of the property that is the subject of these appraisals is still in the negotiation stage. We have determined that all of the information you sent constitutes appraisal information. Thus, we conclude that until such time as the contract for purchase has been signed, you may withhold the appraisal reports pursuant to section 3(a)(5) of the Open Records Act. Having determined that you may withhold the appraisal reports based on section 3(a)(5), we need not consider at this time your claim based on section 3(a)(11) of the Open Records Act.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-516.

Yours very truly,



Kay H. Guajardo
Assistant Attorney General
Opinion Committee

KHG/GK/lcd

Enclosures: Open Records Decisions Nos. 564, 310
Return Documents

Ref.: ID# 11784

cc: Frances and David Allday
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