



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 25, 1994

Mr. Edward H. Perry  
Assistant City Attorney  
Office of the City Attorney  
City Hall  
Dallas, Texas 75201

OR94-398

Dear Mr. Perry:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 24893.

The City of Dallas (the "city") has received a request for information relating to Dallas-Fort Worth International Airport's plans to acquire certain property. Specifically, the requestor seeks "all documents whatsoever pertaining to the subject property and the attempted acquisition thereby by DFW"; information relating to the Dallas City Council resolution condemning the subject property; a certain opinion of the city attorney relating to the validity of the city's condemnation order; and information indicating which attorney will be representing the city in this matter. You advise us that the city has made some of the requested information available to the requestor. You object, however, to release of certain appraisals of the property. You claim that sections 552.103 and 552.105 of the Government Code except this information from required public disclosure.

Section 552.105 excepts from required public disclosure information relating to:

- (1) the location of real or personal property for a public purpose prior to public announcement of the project; or
- (2) appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property.

Section 552.105 is designed to protect a governmental body's planning and negotiating position with regard to particular transactions. Open Records Decision No. 564 (1990).

You have submitted the requested appraisals to us for review. You advise us that the city's negotiations with respect to the acquisition of the subject property are not complete and will be impaired if the submitted appraisals are disclosed. We conclude that the submitted appraisals may be withheld from required public disclosure under section 552.105 of the Government Code. We note, however, that the applicability of section 552.105 ends once the transaction is complete. See Open Records Decision No. 310 (1982). As we resolve this matter under section 552.105, we need not address the applicability of section 552.103 at this time.

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 contact this office.

Yours very truly,



Kay H. Guajardo  
Assistant Attorney General  
Open Government Section

KHG/GCK/rho

Ref.: ID# 24893

Enclosures: Submitted documents

cc: Mr. Robert B. Payne, Jr.  
Payne & Vendig, P.C.  
3700 Renaissance Tower  
1201 Elm Street  
Dallas, Texas 75270  
(w/o enclosures)