



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 22, 1994

Mr. Craig Anthony (Tony) Arnold
Matthews & Branscomb
One Alamo Center
106 South St. Mary's Street
San Antonio, Texas 78205-3692

OR94-464

Dear Mr. Arnold:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 24551.

The City Public Service Board of San Antonio (the "board") has received a request for an "ownership map of City of San Antonio's land in Bastrop and Lee County, Texas." The board has submitted a map for our review. The board asserts that the map is excepted from required public disclosure under sections 552.104 and 552.105 of the act.

Section 552.105 excepts from disclosure

- (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). Section 552.105 excepts information pertaining to negotiations for the acquisition of real or personal property until the transaction has been completed. Open Records Decision No. 310 (1982). Once a transaction has been completed, all factual information related

thereto is available unless excepted by some other provision of the Open Records Act. *Id.* Section 552.105 protects information relating to lease as well as purchase price. Open Records Decision No. 348 (1982).

You assert that the map indicates the location of properties that the board would like to acquire or lease for purposes of acquiring lignite reserves, including properties that are currently the subject of purchase negotiations. You state that "[d]isclosure of the map would adversely affect [the board's] negotiating position and the lignite property acquisition program as a whole, because prospective sellers . . . could ascertain . . . the relative importance of particular parcels to [the board's] acquisition." We conclude that you have demonstrated that release of the map would adversely affect the board's planning and negotiating position with regard to the lignite property acquisition program. Therefore, we conclude that the map may be withheld under section 552.105.

If you have questions about this ruling, please contact our office.

Yours very truly,



Mary R. Crouter
Assistant Attorney General
Open Government Section

MRC/LRD/rho

Ref.: ID# 24551

Enclosures: Submitted documents

cc: Mr. Steve P. Thompson
1133 Milam Building
San Antonio, Texas 78205
(w/o enclosures)