



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 31, 1996

Ms. Marcelle Sattiewhite Jones
Assistant City Attorney
City of Arlington
P.O. Box 231
Arlington, Texas 76004-0231

OR96-2000

Dear Ms. Jones:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 101899.

The City of Arlington (the "city") received an open records request for the appraisal of the requestor's residence which the city prepared in connection with a city buyout program of homes situated along Johnson Creek. You explain that the program is still in a preliminary stage and that it is not known at this time whether the appraisals that the city has conducted or some other appraisal method will eventually be used in the buyout plan. You seek to withhold the requested information at this time pursuant to section 552.105(2) of the Government Code.

Section 552.105(2) excepts from required public disclosure "appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property." This office has addressed the applicability of this section only in instances where a governmental body, as defined in Government Code section 552.003, intends to acquire property for a public purpose. *See, e.g.*, Open Records Decision No. 357 (1982). The purpose of section 552.105(2) is to protect a governmental body in its planning and negotiation with regard to a particular transaction; this exception applies only until negotiations for the particular transaction are concluded and the purchase of the property is complete. Open Records Decision No. 222 (1979). "The opinions construing section [552.105], as well as the actual language of the exception, tie the provision to situations entailing the expenditure of public funds to acquire or use the subject property for public purposes in order to prevent speculation from inflating the price." Open Records Decision No. 590 (1991) at 4.

Based on the facts before us, we agree that the city may withhold the requested appraisal at this time pursuant to section 552.105(2) of the Government Code. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be

relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RWP/RHS/ch

Ref: ID# 101899

Enclosures: Submitted documents

cc: Mrs. J.C. Reed
1106 Dover Lane
Arlington, Texas 76010
(w/o enclosures)