



Office of the Attorney General

State of Texas

December 30, 1996

DAN MORALES
ATTORNEY GENERAL

Ms. Cathy Cunningham
Senior Assistant City Attorney
P.O. Box 152288
Irving, Texas 75015-2288

OR96-2468

Dear Ms. Cunningham:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 102773.

The City of Irving (the "city") has received two requests concerning a specific tract of land. The requestors seek an appraisal study and an environmental assessment study. You claim that the requested information is excepted from required public disclosure by section 552.105 of the Government Code. We have considered the exception you claim and have reviewed the documents at issue.

Section 552.105 excepts from 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.

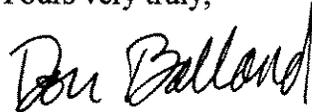
Section 552.105 was designed to protect a governmental body's planning and negotiating position with respect to particular transactions. Open Records Decision No. 564 (1990) at 2. This exception protects information relating to the location, appraisals, and purchase price of property only until the transaction is either completed or aborted. Open Records Decision Nos. 357 (1982) at 3, 310 (1982) at 2.

You state that the city is currently involved in negotiations related to the purchase of the property. You claim that no contract has been made. After reviewing the submitted materials, we conclude that section 552.105 excepts the requested information

from disclosure.¹

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,



Don Ballard
Assistant Attorney General
Open Records Division

JDB/ch

Ref: ID# 102773

Enclosures: Submitted documents

cc: Mr. Pete Orozco
2317 Bolden Road
Irving, Texas 75060
(w/o enclosures)

Ms. Lucia B. Rottenberg
2220 Indian Creek Drive
Irving, Texas 75060-5021
(w/o enclosures)

¹Because we are able to make a determination under section 552.105, we do not address your additional arguments against disclosure. However, you mention that some of the information may be confidential; thus, if you receive a subsequent request for this information, you should re-assert your all of your arguments again at that time. See Gov't Code § 552.352 (distribution of confidential information is criminal offense).