



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

May 19, 1997

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

OR97-1152

Dear Ms. Cunningham:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 106905.

The City of Irving (the "city") received a request for "Environmental Phase I and Asbestos Study on the Heritage Square Shopping Center 200 S. Jefferson." You assert that the requested information is excepted from required public disclosure based on Government Code section 552.105(2).

Section 552.105(2) of the Government Code excepts from public disclosure information relating to appraisals or purchase price or personal property for a public purpose prior to the formal award of contracts for the property. The exception protects a governmental body's planning and negotiating position with respect to particular real or personal property transactions. *See* Open Records Decision No. 357 (1982). Section 552.105(2) protects more than just an appraisal report, but extends to information pertaining to the pricing of property. Thus, the protection covers information that would enable a land owner to determine how a governmental body values the property and thereby strengthen the landowner's bargaining position against the governmental body. *See* Open Records Decision No. 564 (1990).

You inform us of the possibility that the city will purchase the referenced property in the event the funding for such a purchase becomes available. You argue that the release of the requested information will affect the future purchase price of the property. As the records do not show to the contrary, we will accept your good faith determination that the release of the information will damage the city's negotiating position with respect to the possible purchase of the property. *See id.* at 2. Consequently, we conclude that the city may withhold the requested information from public disclosure based on section 552.105(2) of the Government Code.

We are resolving this matter with this 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 may 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,

A handwritten signature in cursive script that reads "Kay Guajardo".

Kay Guajardo  
Assistant Attorney General  
Open Records Division

KHG/rho

Ref.: ID# 106905

Enclosures: Submitted documents

cc: Mr. Raleigh Blakely, Jr.  
14001 Dallas Parkway, Suite 900  
Dallas, Texas 75240  
(w/o enclosures)