



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 4, 1998

Ms. Jennifer D. Soldano  
Associate General Counsel  
Texas Department of Transportation  
Dewitt C. Greer State Highway Building  
125 E. 11th Street  
Austin, Texas 78701-2483

OR98-0334

Dear Ms. Soldano:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 112119.

The Texas Department of Transportation (the "department") received a request for information regarding the "LBJ/Coit Rd., Right of Way project for future expansion of I 635, for Parcel No. 14 and account number 9118-21-07. The specific address is 13021 Coit Road, Dallas." You claim that the documents are excepted from disclosure under section 552.105 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.105 provides an exception from disclosure for information relating to:

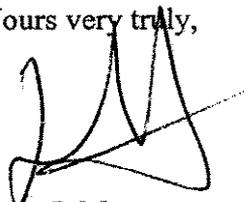
- (1) the location of real or personal property for a public purpose prior to public announcement of the project; or
- (2) appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property.

This exception protects a governmental body's planning and negotiation position with respect to particular transactions. Open Records Decision No. 357 (1982). Section 552.105 is applicable not only to particular appraisal reports and purchase pricing for real estate, but also to information that pertains to such reports and pricing. Open Records Decision No. 564 (1990). In Open Records Decision No. 564 (1990), this office ruled that the statutory predecessor to section 552.105 also applied to an appraisal report concerning a parcel of land acquired by a governmental body where the release of the information would damage the

governmental body's negotiating position in the acquisition of nearby parcels of property. Open Records Decision No. 564 (1990) at 2. Similarly, in this instance, the department is still negotiating with the property owner in acquiring Parcel 14 for its project, and we agree that the release of the requested information could harm the department's negotiating position. Accordingly, the information may be withheld pursuant to section 552.105 of the Government Code.<sup>1</sup>

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

Yours very truly,



Janet I. Monteros  
Assistant Attorney General  
Open Records Division

JIM/glg

Ref: ID# 112119

Enclosures: Submitted documents

cc: Mr. Dennis D. Edwards  
1511 Brisbane Drive  
Carrollton, Texas 75007  
(w/o enclosures)

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<sup>1</sup>As of the time of the request, the offer had not been made to the property owner, so we need not address the question you present as to whether the definition of "property owner" under section 21.0111 of the Property Code includes owners of easements and lessees.