



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 6, 1998

Mr. Gregory T. Simpson  
Attorney at Law  
Employment/Administrative Law Section  
Legal Services Division  
Texas General Land Office  
1700 North Congress Avenue  
Austin, Texas 78701-1495

OR98-0379

Dear Mr. Simpson:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 112306.

The General Land Office (the "office") received a request for information regarding "any and all appraisals concerning a tract of land owned by the Texas Department of Transportation and known as the Leander Rehabilitation Center." You claim that the documents are excepted from disclosure under sections 552.104 and 552.105 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

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

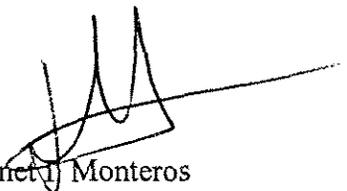
- (1) the location of real or personal property for a public purpose prior to public announcement of the project; or
- (2) appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property.

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 negotiation position in the acquisition of nearby parcels of property. Open Records Decision No. 564 (1990) at 2. In this instance, as you contend that the sale of the subject property is still pending, we agree that the release of the two appraisal reports dated October 18, 1996 and December 9, 1996, respectively, could harm the state'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 J. Monteros  
Assistant Attorney General  
Open Records Division

JIM/alg

Ref.: ID# 112306

Enclosure: Submitted document

cc: Mr. Dylan Rivera  
Austin American-Statesman  
P.O. Box 670  
Austin, Texas 78767-0670  
(w/o enclosure)

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<sup>1</sup>As we address the issues presented in the instant case under section 552.105, we need not address section 552.104. Additionally, we note that in your December 4, 1997 correspondence to this office you state that you will release the December 1, 1994 appraisal report to the requestor but that you continue to assert section 552.105 for the remaining appraisals.