



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 6, 1998

Ms. Linda R. Frank
Assistant City Attorney
City of Arlington
P.O. Box 231
Arlington, Texas 76004-0231

OR98-0627

Dear Ms. Frank:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 113933.

The City of Arlington (the "city") received a request for information concerning a new sports arena and any related design or land acquisition propositions developed since January 1, 1997. You have released some of the information to the requestor; however, you argue that the submitted information is excepted from disclosure by sections 552.104 and 552.105 of the Government Code. You have submitted the documents you seek to withhold.

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 is designed to protect a governmental body's planning and negotiating position with regard to particular transactions. Open Records Decision Nos. 564 (1990), 357 (1982), 310 (1982). Information excepted under section 552.105 that pertains to such negotiations may be excepted so long as the transaction is not complete. Open Records Decision No. 310 (1982). Because this exception extends to "information pertaining to" the location, appraisals, and purchase price of property, it may protect more than a specific appraisal report prepared for a specific piece of property. Open Records Decision No. 564 (1990) at 2. For example, this office has concluded that appraisal information about parcels of land acquired in advance of others to be acquired for the same project could be withheld

where this information would harm the governmental body's negotiating position with respect to the remaining parcels. *Id.* A governmental body may withhold information "which, if released, would impair or tend to impair [its] 'planning and negotiating position in regard to particular transactions.'" Open Records Decision No. 357 (1982) at 3 (quoting Open Records Decision No. 222 (1979)). When a governmental body has made a good faith determination that the release of information would damage its negotiating position with respect to the acquisition of property, the attorney general will accept that determination unless the records or other information show the contrary as a matter of law. Open Records Decision No. 564 (1990).

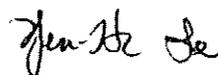
You argue that information concerning the city's real property transactions may be withheld. You explain that the information created for the arena project is the same information used for the planning and negotiation of the future site for the Smithsonian museum. You also advise this office that the "future location of the [Smithsonian] museum project has not been decided," and the "requested information has not yet been released to the public." Furthermore, you assert that

[n]egotiations to secure a most desirable location on the best terms will be harmed by release into the marketplace of the location Release of the location . . . could invite unhealthy land speculation by individuals which would, in turn, likely lead to inflated purchase prices for the preferred properties or, at least, release of the location information could compromise the bargaining position of the city in negotiations to acquire a particular site for the museum.

After examining your arguments and the information you have submitted, we find that section 552.105 is applicable in this instance. You may withhold the submitted information under section 552.105.

As we have resolved the matter under section 552.105, we need not address your section 552.104 claim. 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,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/rho

Ref: ID# 113933

Enclosures: Submitted documents

cc: Mr. Mede Nix
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(w/o enclosures)