



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

May 11, 1998

Ms. Jennifer D. Soldano  
Associate General Counsel  
Texas Department of Transportation  
125 E. 11th Street  
Austin, Texas 78701-2483

OR98-1201

Dear Ms. Soldano:

You ask whether certain information involving two separate requests is subject to required public disclosure under chapter 552 of the Government Code. Your two requests were combined and assigned ID# 114719.

The Texas Department of Transportation (the "department") received requests for "(1) A map of the complete preferred route for State Highway 130; and (2) A map or other document identifying the property owners of record along the preferred route for State Highway 130," additionally a second request was received for "[t]he names of the property holders along the proposed N1 segment (east of Walter E. Long Lake) of the SH 130 project, from where it first diverges in Pflugerville to where it connects against east of Austin." You claim that the responsive 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:

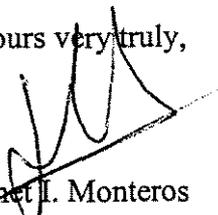
- (1) the location of real or personal property for a public purpose prior to public announcement of the project; or
- (2) appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property.

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 considering several alternate routes and is in the negotiation stage for some of the land parcels. We agree that the release of the requested information could harm the department's negotiating position as it could allow for land speculation and thus hinder the department's ability to establish a final route and to purchase the land. Accordingly, the information may be withheld pursuant to section 552.105 of the Government Code.

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 L. Monteros  
Assistant Attorney General  
Open Records Division

JIM/glg

Ref.: ID# 114719

Enclosures: Submitted documents

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