



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 23, 1998

Mr. William E. Wood
Assistant City Attorney
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283-3966

OR98-2479

Dear Mr. Wood:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 118997.

The City of San Antonio (the "city") received a request for copies of appraisals for six parcels of real property. You contend that the appraisals are excepted from disclosure under sections 552.103 and 552.105 of the Government Code. We have considered the exceptions you claim and have reviewed the documents at issue.

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 was designed to protect a governmental body's planning and negotiating position with respect to particular transactions. Open Records Decision No. 564 at 2 (1990). This exception protects information relating to the location, appraisals, and purchase price of property only until the transaction is either completed or aborted. Open Records Decision Nos. 357 at 3 (1982), 310 at 2 (1982).

You explain that the six parcels of real property are to be part of the city's Hildebrand Expansion Project. We understand that the city has not yet acquired these six parcels of land and is still negotiating with the property owners. Under these circumstances, we conclude

that the city may withhold the market value appraisals of these parcels from disclosure under section 552.105(2).

Because we are able to resolve this matter under section 552.105, we need not address your section 552.103 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 any questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 118997

Enclosures: Submitted documents

cc: Mr. Artemio Alanis
Ms. Nancy Alanis
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(w/o enclosures)