



August 31, 1999

Ms. Bonnie Lee Goldstein  
Bickerstaff, Heath, Smiley, Pollan, Kever and McDaniel, L.L.P.  
3000 Bank One Center  
1717 Main Street  
Dallas, Texas 75201-4335

OR99-2458

Dear Ms. Goldstein:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 128619.

The City of Princeton (the "city"), which you represent, received a request for information concerning each landowner's name, corresponding address, and corresponding parcel number for the properties that will be acquired by the city, in whole or in part, in regard to two sewage projects. You argue that the requested information is excepted from disclosure by section 552.105 of the Government Code. You have submitted a representative sample of the information that you seek to withhold.<sup>1</sup>

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.

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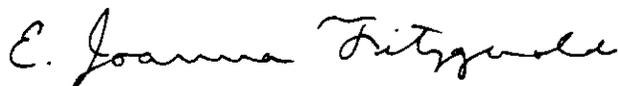
<sup>1</sup>We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

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 at 2 (1990). 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 at 3 (1982) (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 the requested information concerning the city's real property transactions may be withheld. You explain that "any plans to acquire certain, specific property or rights-of-way are still in the planning and negotiation stage." Moreover, you assert that disclosure of the requested information "would negatively affect the City's planning and negotiation position as to the affected properties." 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.

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.

Sincerely,



E. Joanna Fitzgerald  
Assistant Attorney General  
Open Records Division

Ref: ID# 128619

Encl: Submitted documents

cc: Mr. Mark Heidenheimer, P.L.L.C.  
2411 Virginia Parkway, Suite 7  
McKinney, Texas 75070  
(w/o enclosures)