



October 22, 1999

Ms. Judy Doran
Open Record Coordinator
Texas Parks & Wildlife Department
4200 Smith School Road
Austin, Texas 78744-3291

OR99-3008

Dear Ms. Doran:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 129055.

The Texas Parks and Wildlife Department (the "department ") received a request for information relating to a proposed exchange of land for use as parkland by the City of Lake Worth. You seek to withhold information responsive to the request under section 552.105 of the Government Code.

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.

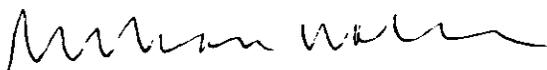
Section 552.105 was designed to protect a governmental body's planning and negotiating position with respect to particular transactions. Open Records Decision No. 564 (1990). This exception protects information relating to the location, appraisals, and purchase price of property only until the transaction is either completed or aborted. Open Records Decision Nos. 357 (1982), 310 (1982).

You advise that the subject parkland will be acquired or developed using federal Land and Water Conservation Act assistance and that under that program the department is the primary administrator of such parkland. You contend that release of the requested information "would damage the negotiating position with respect to the sale/acquisition or exchange of

the administered parkland property.” Based on your representations, we conclude that you may withhold under section 552.105 the information you submitted as responsive to the request.¹

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,



William Walker
Assistant Attorney General
Open Records Division

WMW/ljp

Ref: ID# 129055

Encl. Submitted documents

cc: Mr. Arnold Pent, President
Pent Properties, Inc.
4900 Circle Ridge Drive
Fort Worth, Texas 76114-1904
(w/o enclosures)

¹You advise that the department anticipates receiving, but does not currently have, a survey which would also be responsive to the request. This ruling addresses only the information you submitted.