



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

January 16, 2009

Ms. Caroline E. Cho  
Assistant County Attorney  
Williamson County Attorney's Office  
405 MLK Street Box 7  
Georgetown, Texas 78626

OR2009-00715

Dear Ms. Cho:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 332435.

Williamson County (the "county") received a request for information relating to current offers and completed transactions for land for expansion of a road. You state that information regarding completed transactions will be released. You claim that other responsive information is excepted from disclosure under section 552.105 of the Government Code. We have considered the exception you claim and reviewed the information you submitted.

You also inform us that the requestor subsequently narrowed his request to the name of the property owner, the acreage of the property, the price offered or paid, and the date of the offer or completion of the acquisition.<sup>1</sup> Therefore, to the extent that it does not consist of those types of information, the submitted information is not responsive to the request. This decision does not address the public availability of the submitted information that is not responsive to the request, and the county need not release that information to the requestor.

Section 552.105 of the Government Code excepts from disclosure information relating to:

---

<sup>1</sup>See Gov't Code § 552.222(b) (governmental body may communicate with requestor for purpose of clarifying or narrowing request for information).

- (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.

Gov't Code § 552.105. Section 552.105 is designed to protect a governmental body's planning and negotiating position with regard to particular transactions. *See* Open Records Decision Nos. 564 (1990), 357 (1982), 310 (1982). Information pertaining to such negotiations that is excepted from disclosure under section 552.105 may be withheld so long as the transaction relating to the negotiations is not complete. *See* ORD 310. Under section 552.105, 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.'" ORD 357 at 3 (quoting Open Records Decision No. 222 (1979)). The question of whether specific information, if publicly released, would impair a governmental body's planning and negotiating position in regard to particular transactions is a question of fact. Thus, this office will accept a governmental body's good-faith determination in this regard, unless the contrary is clearly shown as a matter of law. *See* ORD 564.

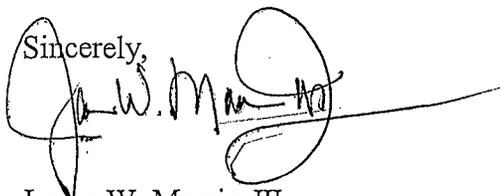
You explain that the county is in the process of acquiring parcels of land for an expansion of Chandler Road. You state that the responsive information is related to current offers by the county to purchase certain parcels. You also state that no contracts have been executed to acquire those properties. You inform us that the county has made a good-faith determination that the release of the responsive information would be detrimental to its negotiating position with respect to the acquisition of the properties. Based on your representations, we conclude that the county may withhold the responsive information under section 552.105 of the Government Code.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public

information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,

A handwritten signature in black ink, appearing to read "J.W. Morris, III", with a long horizontal flourish extending to the right.

James W. Morris, III  
Assistant Attorney General  
Open Records Division

JWM/cc

Ref: ID# 332435

Enc: Submitted documents

c: Requestor  
(w/o enclosures)