



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 30, 1994

Mr. Richard D. Monroe
Deputy General Counsel
Texas Department of Transportation
Dewitt C. Greer State Highway Bldg.
125 East 11th Street
Austin, Texas 78701-2483

OR94-869

Dear Mr. Monroe:

You have asked whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 30156.

The Texas Department of Transportation (the "department") received a request for "copies of all appraisals done on Tracts 4 and 4E for the Beltway Project No. 16410-3 (8012-1-71), including but not limited to those appraisals that form the basis of the State's offer to acquire the land in 1982 and 1987." You state that the department is seeking to acquire these tracts of land for a public purpose, and that a condemnation hearing concerning the property is set for trial. You contend that the appraisal information requested is excepted from disclosure pursuant to section 552.105 of the Government Code.

Section 552.105 excepts from required public disclosure information relating to:

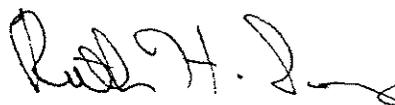
- (1) the location of real or personal property for a public purpose prior to public announcement of the project; or
- (2) appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property.

Section 552.105 is designed to protect a governmental entity's planning and negotiating position with regard to particular transactions. Open Records Decision No. 564 (1990) at 2. The exception is applicable to information pertaining to the appraisal or purchase price of real property. *Id.*

We have reviewed the appraisal information that you submitted to this office as responsive to the request. Since the department's negotiations with respect to acquisition of the tracts at issue is not yet complete, we conclude that the appraisal information at issue may be withheld from public disclosure under section 552.105. We note, however, that the applicability of section 552.105 ends once the property has been acquired and the transaction completed. Open Records Decision No. 310 (1982) at 2.¹

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 may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Government Section

RHS/LRD/rho

Ref.: ID# 30156

Enclosures: Submitted report

cc: Mr. Joél E. Baird
Vinson & Elkins
2300 First City Tower
1001 Fannin
Houston, Texas 77002-6760
(w/o enclosures)

¹Since this information may be withheld from disclosure under section 552.105, we do not need to address your argument that the information may be withheld under section 552.103.