



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 18, 1995

Mr. Tracy A. Pounders
Assistant City Attorney
City of Dallas
City Hall
Dallas, Texas 75201

OR95-1444

Dear Mr. Pounders:

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# 35450.

The City of Dallas (the "city") received a request for a file that concerns a proposed sports and entertainment facility (the "arena"). You have submitted to this office for review several documents that you contend are excepted from disclosure pursuant to section 552.105 of the Government Code.

Section 552.105 provides an exception from disclosure for 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.

This exception protects a governmental body's planning and negotiation position with respect to particular transactions. Open Records Decision No. 357 (1982). Section 552.105 is applicable not only to particular appraisal reports and purchase pricing for real estate, but also to information that pertains to such reports and pricing. Open Records Decision No. 564 (1990).

You state that the city is still in the process of selecting a site for the arena and negotiating a purchase price. You also state that "premature release" of the documents at issue would have a detrimental effect on the city's efforts to obtain a site for the arena on the best terms. We agree that section 552.105 is applicable to the information at issue. We note, however, that when the city publicly releases information about a specific land site for the arena, it may no longer withhold the information at issue.

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.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 35450

Enclosures: Submitted documents

cc: Ms. Laura Miller
Dallas Observer
2130 Commerce
Dallas, Texas 75201
(w/o enclosures)