



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

May 15, 1996

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

OR96-0723

Dear Ms. Pounders:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 40061.

The City of Dallas (the "city") received a request for access to information pertaining to a proposed new sports arena, correspondence with the Dallas Mavericks and the Dallas Stars, information concerning certain meetings, and briefing materials prepared for certain executive session meetings of the city council. You assert that portions of the requested information pertaining to the possible location of the arena are excepted from required public disclosure based on sections 552.105, 552.107(1), and 552.111 of the Government Code. You have submitted to this office representative samples of the information the city seeks to withhold from the public.

Section 552.105 states as follows:

Information is excepted from [required public disclosure] if it is 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 contract for the property.

This exception protects a governmental body's planning and negotiating position with respect to a particular real or personal property transaction. *See* Open Records Decision No. 357 (1982). The marked information reveals the location of proposed sites for an arena. You say that "premature release of the information will have a detrimental effect on the city's efforts to obtain a site for the arena on the best terms."

You inform us that the city is still in the process of selecting a site for the arena and negotiating a purchase price. We believe the information you marked consists of "information related to the location of real...property for a public purpose." Accordingly, we conclude that the city may withhold the information from required public disclosure based on section 552.105.<sup>1</sup> Once the city selects and purchases a site, section 552.105 will no longer be applicable. *See* Open Records Decision No. 222 (1979).

Having concluded the city may withhold the information based on section 552.105, we need not consider the other exceptions you raise at this time. We are resolving this matter with this 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 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo  
Assistant Attorney General  
Open Records Division

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<sup>1</sup>In reaching our conclusion here, 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) (where requested documents are numerous and repetitive, governmental body should submit representative sample; but if each record contains substantially different information, all must be submitted). 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.

KHG/rho

Ref.: ID# 40061

Enclosures: Marked documents

cc: Mr. Todd Gillman  
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Newsroom  
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(w/o enclosures)