



May 27, 1999

Mr. Edward H. Perry
Assistant City Attorney
City of Dallas
Office of the City Attorney
2014 Main Street, Room 206
Dallas, Texas 75201

OR99-1470

Dear Mr. Perry:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 124571.

The City of Dallas (the “city”) received an open records request for, among other things, “a complete copy of [Redbird Development Corporation’s] new lease” with the city. You explain that a new lease has not yet been negotiated, and that the new lease currently exists only in draft form. You seek to withhold the draft of the lease pursuant to, *inter alia*, section 552.105 of the Government Code.

Section 552.105(2) of the Government Code protects “information relating to . . . 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 body in its planning and negotiating position in regard to particular transactions, including proposed lease agreements. Open Records Decision No. 348 (1982). You contend section 552.105 protects the draft lease because

the City’s negotiating position would be damaged [if the draft lease was released to the public] because the City is still negotiating terms and conditions with a potential lessee. The potential lessee does not know all the terms and conditions the City is willing to add, delete, or modify in order to conclude the transaction. Furthermore, if these lease negotiations fail, the City may have to commence new lease negotiations with another entity. The City, in either case, does not want other entities to know what terms and conditions it is willing to amend in order to conclude a deal.

Given these arguments, we believe you have met your burden of demonstrating the applicability of section 552.105(2) to the information at issue. The city therefore may withhold the draft lease at this time.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 M. Walker
Assistant Attorney General
Open Records Division

WMW/RWP/eaf

Ref.: ID# 124571

encl. Submitted documents

cc: Mr. Jack Cox
Airport Properties, Inc.
P.O. Box 173215
Arlington, Texas 76003-3215
(w/o enclosures)

¹Please note, however, that the protection of section 552.105 ends once the transaction has been completed. See Open Records Decision No. 222 (1979). Because we resolve your request under section 552.105, we need not address at this time your other arguments for non-disclosure.