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for the Annex Improvement Commission by Section 2 of the Act, in lieu of that Commission, and by Section 5 of Ordinance No. 216, approved March 6, 1905, it was provided that the Commissioners for Opening Streets were thereby authorized, empowered and directed, in the event of the loan submitted by that ordinance being approved by the people, to perform the duties and functions in the Act provided for the Annex Improvement Commission.

2896 The effect of this ordinance, adopted by the City pursuant to the terms of the option conferred upon it by Section 10 of the Act, was to legislate the Annex Improvement Commission as completely out of existence as if the existence of such a municipal agency had never been contemplated by the General Assembly. The powers and duties conferred upon the Annex Improvement Commission by the Act, in case such a commission came into existence, are material only because by the terms of the Act they are made the measure of the powers and duties of the Commissioners for Opening Streets in their special relations to the work provided for by the Act.

2897 The Commissioners for Opening Streets simply had superimposed upon their ordinary powers and duties as Commissioners for Opening Streets the special duties and powers defined by the Act. In other words, the ordinary powers and duties of the Commissioners for Opening Streets have been merely enlarged by the ordinance adopted pursuant to the Act, and there is no necessity whatsoever for their organizing again in any form.

2898 I do think, however, that it would be good policy for the Commissioners for Opening Streets to keep a record of their proceedings under the Act, separate and apart from the record of their ordinary proceedings as Commissioners for Opening Streets.

2899 It follows from what I have said that no municipal official or officials will have any part of ex officio association with the Commissioners for Opening Streets in the exercise of their powers or the performance of their duties under the Act.

Truly yours,

(Signed) W. Cabell Bruce,

City Solicitor.

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