

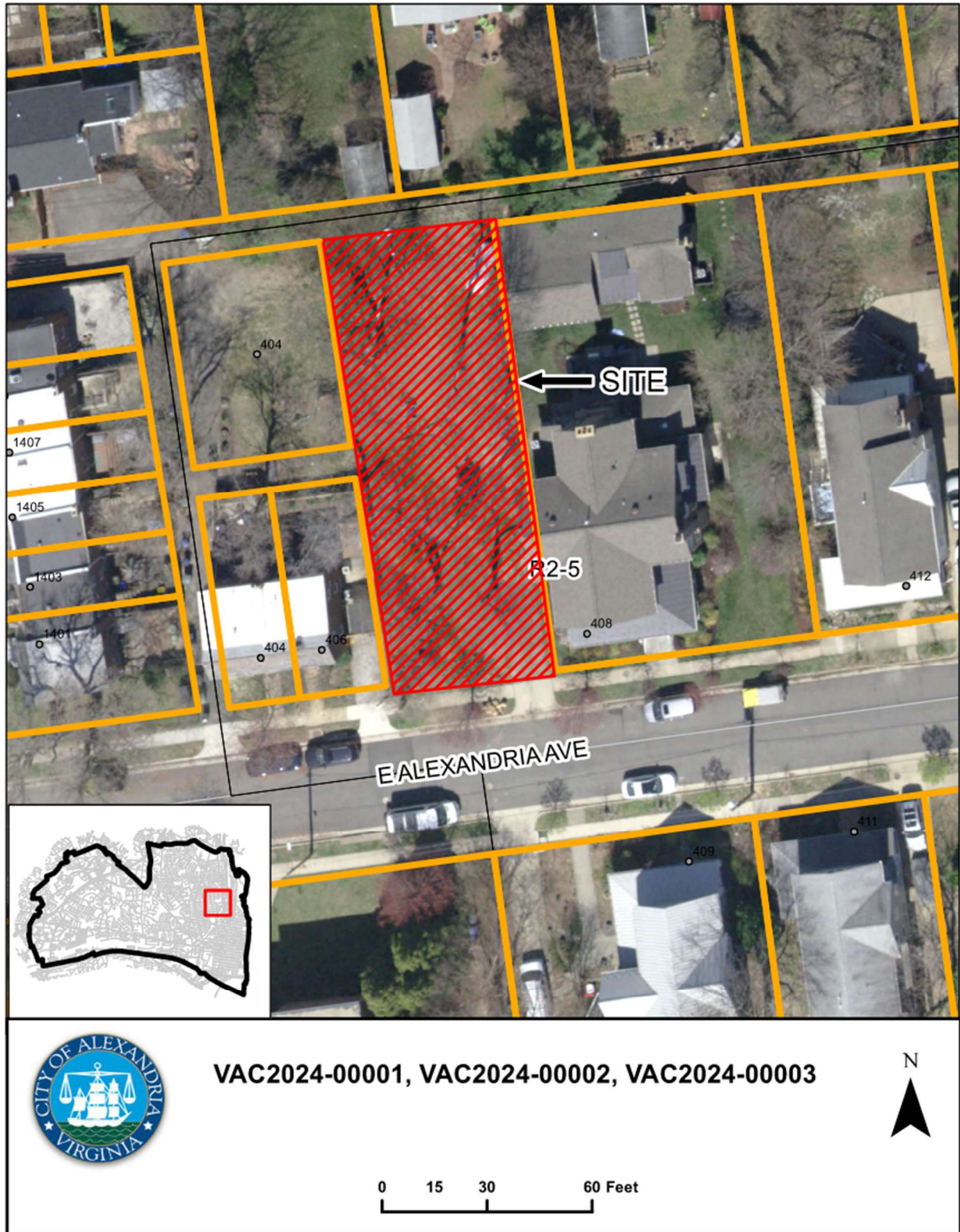
***Vacation #2024-00001, 00002, and 00003  
408, 406, and 404A East Alexandria Avenue***

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Application	General Data	
<b>Request:</b> Public hearing and consideration of a request to vacate various areas of unimproved right-of-way located between 404A, 406, and 408 East Alexandria Avenue to add area to residential yards.	<b>Planning Commission Hearing:</b>	September 5, 2024
	<b>City Council Hearing:</b>	September 14, 2024
<b>Address:</b> 404A, 406, and 408 East Alexandria Ave	<b>Zone:</b>	R2-5 / Residential Family
<b>Applicant:</b> Brett Rice (VAC2024-00001), Alicia Montgomery (VAC2024-00002), and Eric Teran (VAC2024-00003)	<b>Small Area Plan:</b>	Potomac West Small Area Plan

**Staff Recommendation:** DISAPPROVAL of the vacation requests

**Staff Reviewers:** Lalit Sharma, Deputy Director, T&ES [lalit.sharma@alexandriava.gov](mailto:lalit.sharma@alexandriava.gov)  
Brian Dofflemyer, Land Development Services, T&ES  
[brian.dofflemyer@alexandriava.gov](mailto:brian.dofflemyer@alexandriava.gov)  
Bryan MacAvoy, Assistant City Attorney, City Attorney's Office  
[bryan.macavoy@alexandriava.gov](mailto:bryan.macavoy@alexandriava.gov)  
Jose Ayala, Principal Planner, RPCA [jose.ayala@alexandriava.gov](mailto:jose.ayala@alexandriava.gov)



## REPORT SUMMARY

The applicants request approval of various and competing vacations of the unimproved right-of-way between 404A, 406, and 408 East Alexandria Ave (subject area) where each lot has frontage on the right-of-way.

### SITE DESCRIPTION

The subject area is located in the 400 block of East Alexandria Ave, located between 404A, 406, and 408 East Alexandria Ave as shown in Figure 1. The subject area is currently unimproved right-of-way that is vegetated including a large tree and an access drive. Located within the Potomac West Small Area Plan (PWSAP), the property is zoned R2-5 with residential properties surrounding the subject site.



Figure 1: The portion in green showing the vacation request area of the right-of-way.

### BACKGROUND

The original 1892 subdivision surrounding this land shows that it was dedicated as a future right-of-way, but it was never improved. The subject area is surrounded by residential buildings to the north, east, and west.

The vacation request and existing and future public purpose of this land was reviewed by the departments of Transportation and Environmental Services (T&ES), Recreation Parks and Cultural Activities (RPCA), and Planning and Zoning (P&Z). RPCA assessment of this property found that it is listed on the Open Space Master Plan; therefore, there is a public purpose for retaining this property. T&ES and P&Z found no other anticipated public use but recommend retaining the east/west alley between Mount Vernon Avenue and Dewitt Avenue.

Prior to the present applications for vacation, the owner of the lot at 408 East Alexandria Ave, whose driveway access comes by way of the undeveloped right-of-way between the properties, sought vacation of a portion of the right-of-way in favor of his lot in 2012-2013 (the owner at the time is the same individual who presently owns the lot). The application was rescinded prior to the request being presented at a public hearing. In 2012, T&ES's Chief of Surveys sent a letter to the 408-lot owner in response to conversations regarding the right-of-way, confirming the City's ownership of the space, but additionally "allowing" the 408-lot owner to use the driveway/alley for access to their garage at the rear of their property without allowing them to use this publicly owned property for their exclusive parking space.

### PROPOSAL

The City has received applications for a vacation of public right-of-way adjacent to lots 404A, 406, and 408 East Alexandria Ave. The applications have been received from all three of the owners of these lots, containing requests for either vacation of all of the right-of-way in favor of one of the lots, or the vesting of the right-of-way in each of the abutting lots to the centerline of the right-of-way.

VAC2024-00003 requests the full unimproved right-of-way to be vacated with development rights and consolidated with the existing lot at 404A E Alexandria. VAC2024-00001 and VAC2024-00002 propose to split the unimproved right-of-way in half and request no development rights. See Figure 2 and 3.



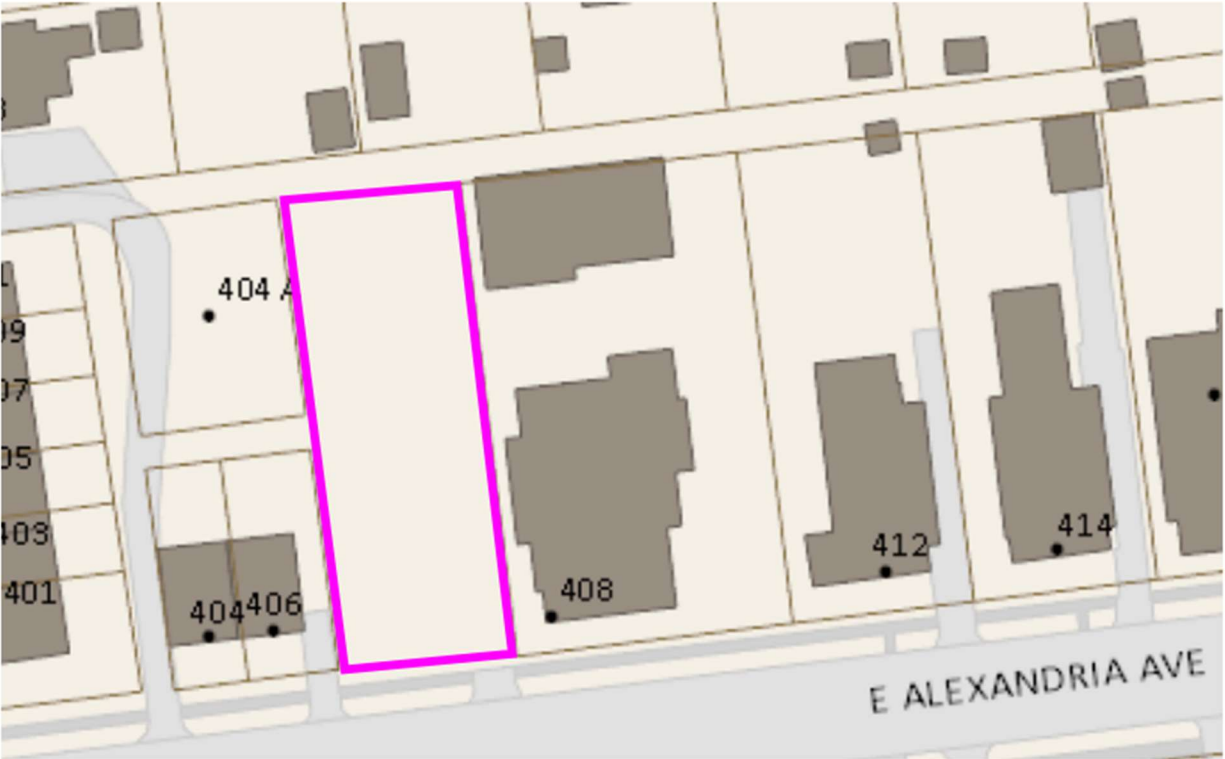


Figure 2: VAC2024-00003 (magenta) proposes to obtain the full unimproved right-of-way



Figure 3: VAC2024-00001 (red) and VAC2024-00002 (blue) propose to split the right-of-way in half with each asking to the centerline.

ZONING/MASTER PLAN

The subject property is zoned R2-5 and is within the Potomac West Small Area Plan.

VACATION POLICY

The City Council policy, approved in 2002, established the following criteria for the evaluation of vacation requests:

1. There is no use of the right-of-way at the time the application is filed.
2. No reasonable use of the right-of-way could exist in the future, either for its original purpose or for some other public purpose. Reasonable uses include, but are not limited to future roads, bike paths/trails, recreational facilities, open space, utilities or other environmental protections.
3. No portion of the public right-of-way shall become landlocked.
4. No abutting property owners shall become landlocked or have access substantially impaired.
5. The vacation shall provide a public benefit.

VALUE OF VACATED RIGHT-OF-WAY

The City Council Vacation Policy established the process of valuing vacations stating that “the fair market value of the vacated area will be based upon the value which the vacated area, when combined with the applicants’ existing adjacent land area, causes to be added to the sum of the values of the vacated and existing areas immediately before the vacation.” Staff has attached the memorandum from Real Estate Assessments (Attachment A) that discusses the process used to determine this valuation.

The valuation is estimated based on the applicant requested area and development rights. VAC2024-00001 at 408 East Alexandria Ave is valued at \$33,342 by requesting 3,206 square feet of area without development rights. VAC2024-00002 at 406 East Alexandria Ave is valued at \$46,500 by requesting 3,210 square feet without development rights. VAC2024-00003 at 404A East Alexandria Ave is valued at \$453,960 by requesting 6,305 square feet with development rights. In the staff analysis discussion below, if the vacations are approved, the areas may be adjusted since the requests overlap and the values will be adjusted to reflect the actual areas of any approved vacations.

**STAFF ANALYSIS**

The applicants’ requests to vacate the subject site are not consistent with the vacation criteria in the 2002 Vacation Memo, noting that there is a current and future public use of this portion of the right-of-way. Therefore, staff is recommending denial of the applications received for the subject site.

The Open Space Master Plan 2017–2026 Update identifies the right-of-way adjacent to 404A East Alexandria as a candidate for open space preservation. This recommendation aligns with the City’s ongoing efforts to expand access to and enhance public open spaces.

This property directly supports Goal #2 of the Open Space Master Plan which is to identify, map and re-purpose public right-of-way to be active and protected open space. The criteria for acquisition specifically identify:

1. Small Lots in Neighborhoods:
  - It is suitable for pocket parks, gardens, green spaces, and playgrounds, providing essential recreational and aesthetic benefits to urban areas.
2. Lands with Significant Natural Features:
  - Properties with notable natural features, such as significant tree coverage, sloping terrain, and other ecological assets, are prioritized for conservation.
3. Excess Rights-of-Way:
  - Opportunities to convert excess public rights-of-way into usable open space enhancing community access and environmental stewardship.

Based on the criteria outlined in the Open Space Master Plan, it is recommended that the right-of-way between 404A, 406 and 408 East Alexandria be preserved as an open space rather than vacated or repurposed for other uses. Retaining this property for open space purposes aligns with the City’s commitment to maintaining and expanding open space acreage and recreation opportunities, which will become increasingly important as the City continues to grow.

The 2002 Vacation Memo criteria analysis shows that the vacation requests do not satisfy 1, 2, or 5:

1. Existing Public Use: The right-of-way serves an existing public use as an open space pocket park.
2. Reasonable Future Use: The right-of-way will continue to have reasonable future use as an open space pocket park.
3. Landlocked Public Property: Approval of the vacation would not create a situation where public property would be landlocked.
4. Landlocked Private Property/Impaired Access: Approval of the vacation would not create a situation where private property would be landlocked. If the vacation proceeded as depicted in Figure 4 as it would allow access for 408 E Alexandria to enter the side load garage in the back where the garage door open to the unimproved right-of-way.
5. Public Benefit: Preserving the right-of-way on East Alexandria Avenue as an open space pocket park supports the City’s long-term vision for sustainable urban development and the well-being of its residents. Preserving such open spaces provides recreational opportunities, conserves natural resources, and enhances the quality of life in our neighborhoods.

If the City Council decided not to retain this right-of-way for use as public open space, vacation of the right-of-way in favor of all of the abutting lots to the centerline is the outcome most in accord with legal authority on the matter. In this case, each adjacent property owner would receive a corresponding portion of the vacated area based on their frontage and to the centerline of the right-of-way as depicted in Figure 4.



Figure 4: Proportional vacation of right-of-way with the area in magenta for 404A, blue for 406, and red for 408 East Alexandria Ave

### III. STAFF RECOMMENDATION AND CONDITIONS

Staff recommends **disapproval** of the requested vacation. If the vacation is recommended for approval, it should be approved subject to compliance with all applicable codes and ordinances and the following conditions:

1. Utility easements for all public and private utilities shall be provided within the vacated right-of-way and such easements are to be shown on the plat of consolidation. (T&ES)
2. The approved plat shall be recorded in the Land Records of the City of Alexandria. (T&ES)
3. The applicant shall be responsible for perpetual ownership, development and maintenance of the improvements constructed in the vacated right-of-way. (T&ES) (P&Z)
4. If no development rights are requested, the property owners may not construct any building or improvements, including driveways and parking spaces and may not use the vacated land area to derive any increased development rights (above and below grade) for the lands adjacent to the vacated area, including increased floor area, subdivision rights, or additional dwelling units. The above and below grade restrictions shall appear as part of



the deed of vacation and shall also appear as a note on the consolidation plat, both of which shall be approved by the Directors of P&Z and T&ES. (T&ES) (P&Z)

5. The vacated area must be consolidated with the subject property. (P&Z)
6. The applicant shall pay the fair market value for the vacated right-of-way, as determined by the Director of Real Estate Assessments. (T&ES)
7. Per the Vacation Policy requirements, the funds from the sale of the land shall be contributed to the Open Space Fund. (RPCA).

STAFF: Brian Dofflemyer, Land Development Services, T&ES  
Bryan MacAvoy, Assistant City Attorney, City Attorney  
Jose Ayala, Principal Planner, RPCA

#### **IV. CITY DEPARTMENT COMMENTS**

Legend: F – finding C – code requirement R – recommendation S – suggestion

##### Transportation & Environmental Services:

- F-1 Plat for VAC2024-00003 Comments:
- a. Please add the DB/PG to the labels for all existing subdivision references.
  - b. Incorrect DB/PG reference for Fourth Street. The provided DB/PG is not the DB/PG in which Fourth Street was created.
  - c. Finding: this vacation request is for the entirety of 4<sup>th</sup> street (at this location), but there are 2 other current vacation applications/request (from other entities) in conflict, that are also requesting portions of this area.
  - d. For the legal description: Error in the last sentence: the Square Footage is incorrect by approximately 300 sq ft as compared to the associated plat. Please correct the square footage. (T&ES)
- F-2 For VAC2024-00002: Error on metes and bounds document, in #1: 128.32' does not match the associated plat, please revise. (T&ES)
- R-1 The applicant shall pay the fair market value for the vacated right-of-way, as determined by the Director of Real Estate Assessments. (T&ES)
- R-2 Utility easements for all public and private utilities shall be provided within the vacated right-of-way and such easements are to be shown on the plat of consolidation. (T&ES)
- R-3 The approved plat shall be recorded in the Land Records of the City of Alexandria that

consolidates the vacated land with the adjoining lot. (T&ES)

- R-4 The applicant shall be responsible for perpetual ownership, development and maintenance of the improvements constructed in the vacated right of way. (T&ES) (P&Z)
- R-5 If no development rights are requested, the property owners may not construct any building or improvements, including driveways and parking spaces and may not use the vacated land area to derive any increased development rights (above and below grade) for the lands adjacent to the vacated area, including increased floor area, subdivision rights, or additional dwelling units. The above and below grade restrictions shall appear as part of the deed of vacation and shall also appear as a note on the consolidation plat, both of which shall be approved by the Directors of P&Z and T&ES. (T&ES) (P&Z)

Planning & Zoning:

- C-1 VAC2024-00001: If City Council approved the vacation of the alley, the vacated portion must be consolidated with the subject property. Additionally, Zoning recommends a condition that the 3 lots of record (16, 17 and 18) that currently make up 408 East Alexandria Ave be consolidated to bring that property into compliance.
- F-1 VAC2024-00001: It is unclear from the application if the applicant is requesting a vacation with or without development rights. This will need to be determined prior to hearing.
- C-2 VAC2024-00002: If City Council approved the vacation of the alley, the vacated portion must be consolidated with the subject property.
- F-2 VAC2024-00002: It is unclear from the application if the applicant is requesting a vacation with or without development rights. This will need to be determined prior to hearing.
- F-3 VAC2024-00002: This vacation application appears to overlap with VAC2024-00003.
- C-3 VAC2024-00003: If City Council approved the vacation of the alley, the vacated portion must be consolidated with the subject property.
- F-4 VAC2024-00003: It is unclear from the application if the applicant is requesting a vacation with or without development rights. This will need to be determined prior to hearing.
- F-5 VAC2024-00003: This vacation application appears to overlap with VAC2024-00002.

RPCA:

This site is identified for re-purposing as Open Space in the Open Space Master Plan.

Fire:

No comments or concerns.

GIS:

F-1 For VAC2024-00001: Show Tax Map # on vacation plat. There is no Fourth St in GIS streets database. It is just City R.O.W. currently. New consolidated parcel should have a new legal parcel number 500, 501, 502 or 503.

F-2 For VAC2024-00002: Show Tax Map # on vacation plat. There is no Fourth St in GIS streets database. It is just City R.O.W. currently. New consolidated parcel should have a new legal parcel number 500 or 501.

Police:

No comments received.

Real Estate Assessment:

Valuation analysis provided.

# City of Alexandria, Virginia

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## MEMORANDUM

**DATE:** AUGUST 19, 2024

**TO:** BRIAN DOFFLEMYER, DIVISION CHIEF OF DEVELOPMENT SERVICES  
DEPARTMENT OF TRANSPORTATION & ENVIRONMENTAL SERVICES

**FROM:** WILLIAM BRYAN PAGE, REAL ESTATE ASSESSOR  
DEPUTY DIRECTOR OF FINANCE – REAL ESTATE

**SUBJECT:** UNINSTALLED STREET VACATIONS

**ADDRESS:** 400 BLOCK EAST ALEXANDRIA AVENUE, ALEXANDRIA, VA 22301

**PROJECT:** VACATION #2024-00001,00002 & 00003

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Per your request, we have reviewed three proposed vacations of an uninstalled section of 4<sup>th</sup> Street located along the northeast side of Alexandria Avenue east of Mount Vernon Avenue. Three applications requesting part, or all the defined area were submitted. They will be discussed in numerical order.

**1. Vacation Number: 2024-00001; 408 East Alexandria Avenue (Acct: 13484500; Tax Map: 43.04-03-17C.; Zoned (R-2-5))**

This application requests a vacation west 25 feet to the midpoint of the right-of-way for a total area of 3,206 square feet. If approved the site would contain a total area of 12,806 square feet. It is assumed that any approval would require the applicant to consolidate and record the adjusted plat within the land records of the City of Alexandria. Comparable assessments range from \$50.00/SF to \$57.00/SF. In our opinion, the area to be vacated has an estimated value of \$52.00/SF, or **\$166,712**. This assumes the applicant is requesting that development rights accompany the vacation. Without development rights the estimated value would be reduced by 80% per city policy, or **\$33,342**. A deed restriction stating that development rights are expressly prohibited would have to accompany any new land recording associated with the vacation.

**2. Vacation Number 2: 2024-00002; 406 East Alexandria Avenue (Acct: 13485500; Tax Map: 43.04-03-19; Zoned R-2-5)**

This application requests a vacation west 25 feet to the midpoint of the right-of-way for a total area of 3,210 square feet. If approved the site would contain a total area of 4,760 square feet. It is assumed that any approval would require the applicant to consolidate and record the adjusted plat within the land records of the City of Alexandria. *A discussion with The Department of Transportation and Environmental Services (T&ES) made it abundantly clear that they were in opposition to the to any vacation request as they wish to retain the entire site as a pocket park for*

*use by neighborhood residents.* If the governing body rules in favor of the applicant the requested vacation would be computed based on a pro-rata share of the total land area involved. Based on the foregoing, a land area of 1,550 SF would be attributable to this application with the vacated portion and would have an estimated value of **\$232,500 (\$150/SF)**. In the event no additional development rights are sought the value would be reduced to **\$46,500**.

**3.Vacation Number: 2024-00003; 404A East Alexandria Avenue (Acct: 13485000: Tax Map: 43.04-03-18.; Zoned RB & R-2-5)**

This application requests the vacation east 50 feet and extending south 128.50 feet its intersection with East Alexandria Avenue; a total area of 6,305 SF. If approved the site would contain a combined total area of 9,055 SF. It is obvious that the applicant is attempting to create two single-family duplex lots, or a single-family building lot for the construction of a detached dwelling unit. The existing lot (2,750 SF) is clearly a substandard prior existing nonconforming site that is non-buildable.

The property has no frontage on East Alexandria Avenue and is only accessible by two 10-foot alleys. *A discussion with the Department of Transportation and Environmental Services (T&ES) made it abundantly clear that they were in opposition to the to any of the vacation requests as they wish to retain the site as a pocket park for use by neighborhood residents.* If the governing body rules in favor of the applicant the requested vacation would be computed based on a pro-rata share of the total land area involved. Based on the foregoing, a land area of 6,305 SF would be attributable to this application and would have an estimated value of **\$453,960 (\$72/SF)**. **If the governing body rules in favor of T&ES, the lot would still be substandard.** It would be inadvisable to seek any development rights given its status after the vacation. In the event development rights are sought the value would be reduced to **\$20,291**.

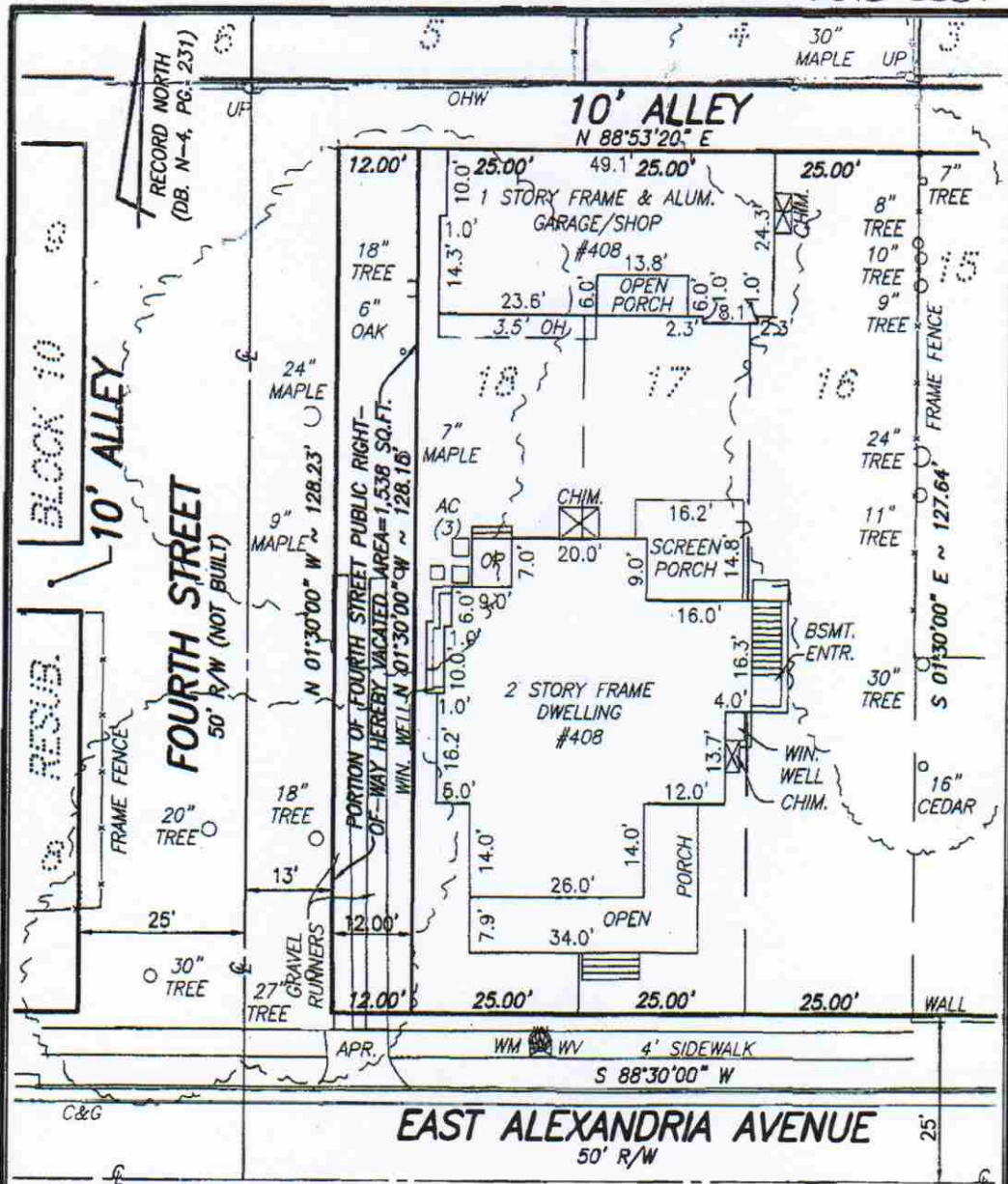
These analyses do not constitute a fully documented real property appraisal reports and should not be purported as such. The analyses are based on 2024 assessed land values of similarly zoned parcels intended for single-family residential development and complies with City policies and guidelines regarding street vacations.

### **Attachments**

Vacation Plat (1):	April 17, 2024 (4-17-2024)
Legal Description (1):	Metes and Bounds Descriptions (4 -17-2024)
Vacation Plat (2):	April 17, 2024
Legal Description (2):	Metes and Bounds Descriptions (4 -17-2024)
Vacation Plat (2):	April 17, 2024 (Undated)
Legal Description (2):	Metes and Bounds Descriptions (4 -1-2024)



VAC 2013-0001



# EXHIBIT

SHOWING THE VACATION OF A PORTION OF FOURTH STREET  
ADJACENT TO LOTS 16-18, BLOCK 11

## PARK ADDITION TO ALEXANDRIA

(DB. N-4, PG. 231)

CITY OF ALEXANDRIA, VIRGINIA

SCALE: 1" = 20'

CASE NAME: BRETT D. RICE

DATE: DECEMBER 27, 2012

INSTRUMENT REF.: 070017771  
PLAT SUBJECT TO  
RESTRICTIONS OF RECORD.  
TITLE REPORT NOT FURNISHED,  
THUS ALL EASEMENTS MAY NOT  
BE SHOWN.

**RCF** **IELDS**  
& ASSOCIATES, INC.

ENGINEERING • LAND SURVEYING  
730 S. Washington Street www.rcfassoc.com  
Alexandria, Virginia 22314 (703) 549-6422

TAX ASSESSMENT MAP NUMBER: 043.04-03-17.C

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April 17, 2024

Metes and Bounds Description of

**Outlot A**

Being a Vacation of a Portion of

**FOURTH STREET**

As Originally Dedicated with

**“PARK ADDITION to ALEXANDRIA”**

Deed Book N-4, Page 231

*(Among the Land Records of Arlington County, Virginia)*

City of Alexandria, Virginia

All that certain tract or parcel of land lying, being and situated in the City of Alexandria, Virginia being a portion of Fourth Street, as the same appears duly dedicated, platted and recorded on plat entitled, “PARK ADDITION to ALEXANDRIA” in Deed Book N-4 at Page 231 among the Land Records of Arlington County, Virginia.

Being further described by metes and bounds as follows:

**BEGINNING AT A POINT** at the intersection of the north right-of-way line of East Alexandria Avenue (50 feet wide) with the east right-of-way line of the above referenced Fourth Street (50 feet wide), said point further being at the southwest corner of Lot numbered Eighteen (18), in Block numbered Eleven (11) of the above referenced “PARK ADDITION to ALEXANDRIA”;

Thence departing said east right-of-way line of Fourth Street, crossing and including a portion thereof:

1. **South 88° 30' 00" West**, a distance of **25.00 feet** to a point lying in the centerline of said Fourth Street;

Thence, running with said centerline of Fourth Street:

2. **North 01° 30' 00" West**, a distance of **128.32 feet** to a point;

Thence, departing said centerline of Fourth Street, continuing to cross and include a portion thereof:

3. **North 88° 53' 20" East**, a distance of **25.00 feet** to a point in the aforementioned east right-of-way line of Fourth Street, said point further being at the northwest corner of the aforementioned Lot 18, Block 11, “PARK ADDITION to ALEXANDRIA”;

Thence, running with said east right-of-way line of Fourth Street, being common and contiguous with the west line of said Lot 18:

4. **South 01° 30' 00" East**, a distance of **128.15 feet** to the **POINT OF BEGINNING**.

Containing an Area of **3,206 square feet** of land more or less.



April 17, 2024

Metes and Bounds Description of

**Outlot B**

Being a Vacation of a Portion of

**FOURTH STREET**

As Originally Dedicated with

**“PARK ADDITION to ALEXANDRIA”**

Deed Book N-4, Page 231

*(Among the Land Records of Arlington County)*

City of Alexandria, Virginia

All that certain tract or parcel of land lying, being and situated in the City of Alexandria, Virginia being a portion of Fourth Street, as the same appears duly dedicated, platted and recorded on plat entitled, “PARK ADDITION to ALEXANDRIA” in Deed Book N-4 at Page 231 among the Land Records of Arlington County, Virginia.

Being further described by metes and bounds as follows:

**BEGINNING AT A POINT** at the intersection of the north right-of-way line of East Alexandria Avenue (50 feet wide) with the west right-of-way line of the above referenced Fourth Street (50 feet wide), said point further being at the southeast corner of Lot numbered Eight (8), in Block numbered Ten (10) in the subdivision known as “PARK ADDITION”, as the same appears duly dedicated, platted and recorded in Deed Book 146 at Page 191 among the Land Records of the City of Alexandria;

Thence departing said north right-of-way line of East Alexandria and running with said west right-of-way line of Fourth Street, being common and contiguous with the east line of said Lot 8 and the same line extended with the eastern terminus of an Alley (10' wide) and the east line of Lot numbered Nine (9) in said Block 10, “PARK ADDITION”:

1. **North 01° 30' 00” West**, a distance of **128.32 feet** to a point at the northeast corner of said Lot 9;

Thence, departing said Lot 9 crossing and including a portion of said Fourth Street:

2. **North 88° 53' 20” East**, a distance of **25.00 feet** to a point lying in the centerline of said Fourth Street;

Thence, running with said centerline of Fourth Street:

3. **South 01° 30' 00” East**, a distance of **128.32 feet** to a point;

Thence, departing said centerline of Fourth Street, continuing to cross and include a portion thereof:

4. **South 88° 30' 00” West**, a distance of **25.00 feet** to the **POINT OF BEGINNING**.

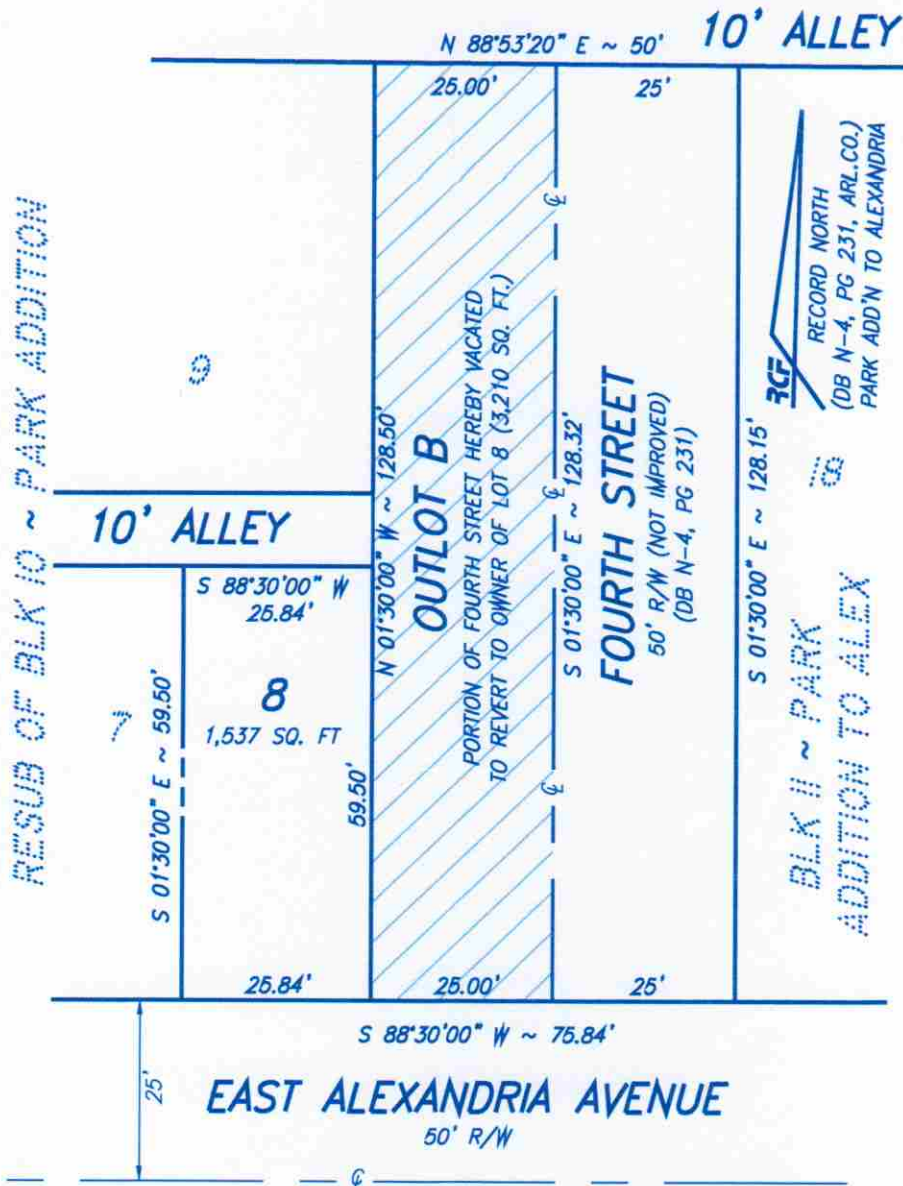
Containing an Area of **3,210 square feet** of land more or less.

NOTE: TAX ASSESSMENT MAP NUMBER: 043.04-03-19;

EDWARD DUNCAN SUBDIVISION

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SCALE: 1" = 20'  
DATE: APRIL 17, 2024

INSTR #200019584  
PLAT SUBJECT TO  
RESTRICTIONS OF RECORD.  
TITLE REPORT NOT FURNISHED,  
THUS ALL EASEMENTS MAY NOT  
BE SHOWN.

OWNER: ALICIA MONTGOMERY

**RC FIELDS**  
& ASSOCIATES, INC.

ENGINEERING • LAND SURVEYING • PLANNING  
700 S. Washington Street, Suite 220 www.rcfassoc.com  
Alexandria, Virginia 22314 (703) 549-6422



DRAFTED: ZZ CHECKED: GMF

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## Legal Description

### Parcel A

Being a Vacated Portion of Fourth Street  
an Undeveloped Right-of-Way  
Created with Park Addition to Alexandria as originally  
dedicated, platted and recorded in Arlington County, Virginia  
at Deed Book N-4, page 231 and Resubdivided  
among the the City of Alexandria, Virginia at Deed Book 146, page 191

BEGINNING AT A PINCH PIPE FOUND IN THE NORTHERLY RIGHT-OF-WAY LINE OF EAST ALEXANDRIA AVENUE, WIDTH VARIES, AND BEING A COMMON CORNER TO LOT 8, RESUBDIVISION OF LOTS 1 & 2, BLOCK 10, PARK ADDITION TO ALEXANDRIA; THENCE

NORTH 01°23'09" WEST, 128.78 FEET, (RUNNING WITH THE EASTERLY LINE OF LOT 8, THEN WITH THE EASTERLY LINE OF A 10 FOOT ALLEY AND RUNNING WITH EASTERLY LINE OF LOT 9, RESUBDIVISION OF LOTS 1 & 2, BLOCK 10, PARK ADDITION TO ALEXANDRIA) TO AN IRON REBAR SET IN THE SOUTHERLY RIGHT-OF-WAY LINE OF A 10' ALLEY; THENCE

NORTH 89°43'41" EAST, 47.06 FEET, (RUNNING WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF THE AFOREMENTIONED 10 FOOT ALLEY) TO AN IRON PIPE FOUND, BEING THE NORTHWESTERLY CORNER OF LOT 18, BLOCK 11, PARK ADDITION TO ALEXANDRIA. THENCE WITH THE LINE OF LOT 18:

SOUTH 01°23'09" EAST, 127.73 FEET, TO A POINT IN THE AFOREMENTIONED NORTHERLY RIGHT-OF-WAY LINE OF EAST ALEXANDRIA AVENUE. THENCE WITH THE NORTHERLY RIGHT-OF-WAY LINE OF EAST ALEXANDRIA:

SOUTH 88°27'02" WEST, 47.05 FEET, TO THE POINT OF BEGINNING.

CONTAINING 6,305 SF OR 0.1385 ACRES MORE OR LESS

PROPERTY LOCATION: (FOURTH ST UNDEVELOPED)  
AREA OF LAND BETWEEN 404A, 406 AND 408  
 TAX MAP REFERENCE: 043.04-03 ZONE: EAST ALEXANDRIA AVE  
R-2-5  
 APPLICANT'S NAME: BRETT RICE

ADDRESS: 408 E ALEXANDRIA AVE  
 PROPERTY OWNER NAME: ALEXANDRIA CITY OF ALEXANDRIA  
 (Owner of abutting area to be vacated) 301 KING ST

ADDRESS: 301 KING ST  
 VACATION DESCRIPTION: VACATE TO THE MID POINT OF THE ROW (RIGHT OF WAY)  
FROM E ALEXANDRIA AVE TO THE REAR ALLEY ABUTTING THE ROW  
(APPROX 25 FEET BY 130 FEET) ABUTTING 408 E ALEXANDRIA AVE

- ☒ THE UNDERSIGNED hereby applies for a Vacation Ordinance in accordance with the provisions of Chapter 10 of the Code of the State of Virginia, the Alexandria City Charter and City Code, and the Alexandria Zoning Ordinance.
- ☐ THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.
- ☐ THE UNDERSIGNED having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.
- ☒ THE UNDERSIGNED also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of their knowledge and belief.

BRETT D RICE  
 Print Name of Applicant or Agent

Brett D Rice  
 Signature

408 E. ALEXANDRIA AVE  
 Mailing/Street Address

Telephone # \_\_\_\_\_ Fax # \_\_\_\_\_

ALEXANDRIA VA 2230  
 City and State Zip Code

2/18/24  
 Date

# OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

**1. Applicant.** State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. <u>Brett Rice</u>		<u>100%</u>
2.		
3.		

**2. Property.** State the name, address and percent of ownership of any person or entity owning an interest in the property located at \_\_\_\_\_ (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. <u>CITY OF ALEXANDRIA</u>	<u>301 KING ST</u>	<u>100%</u>
2.		
3.		

**3. Business or Financial Relationships.** Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are required to disclose **any** business or financial relationship, as defined by [Section 11-350 of the Zoning Ordinance](#), existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicate each person or entity and "None" in the corresponding fields).**

For a list of current council, commission and board members, as well as the definition of business and financial relationship, [click here](#).

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. <u>Brett Rice</u>	<u>CANDIDATE CONTRIBUTION \$200</u>	<u>N/A</u> <u>JOHN CHAPMAN</u>
2. <u>CITY OF ALEXANDRIA</u>	<u>N/A</u>	<u>N/A</u>
3.		

**NOTE:** Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

21 FEB 24  
Date

BRETT D RICE  
Printed Name

[Signature]  
Signature

## Instructions for Vacation of Right-of-Way Applications

The vacation of a public right-of-way for a street or alley, emergency vehicle easements, sewer easements and other public easements or rights-of-way in the City of Alexandria, Virginia must be approved by the Alexandria City Council through public hearings.

1. **FILING DEADLINE:** Applications are encouraged to be submitted by the 'Recommended Submission Date for Completeness Review,' as listed on the Hearing Schedule and Filing Deadlines form on our Forms webpage. Applications are not docketed for a particular hearing until they are deemed complete by staff. Submission by the final filing deadline for a certain hearing does not guarantee the application being docketed for that hearing.
2. **APPLICATION FORMS:** Vacation applications must contain a written legal metes and bounds description dimensions and square footage of the area to be vacated, and a PDF of a plat showing the proposed area to be vacated.
3. **PLANS:** Applicants must submit a PDF of a scaled survey and/or other scaled plans with the vacation application.
4. **FILING FEES:** Applicants must submit a filing fee with the application. Exact fee amount may be obtained from the Planning staff. Applicants are also required to pay a Viewer's Fee of \$50.00 per viewer (not less than three or more than five viewers) within 30 days after the viewer's report is submitted to the City Council. Failure to pay the Viewer's Fee within the designated time period will stop the process and no vacation ordinance will be written by the City Attorney.
5. **PROPERTY OWNER NOTIFICATION:** The applicant must provide written notice to all abutting and facing property owners. (See attached detailed instructions). Failure to send accurate or correct notices will result in deferral of the application to a later hearing date.
6. **STAFF REPORT:** A staff report with recommendation will be prepared and made available in the Department of Planning and Zoning office. The report is typically available 7 business days prior to the Planning Commission Public Hearing.
7. A quitclaim deed must be submitted after City Council approval of a vacation.

**NOTE:** The vacation process must be completed prior to approval of any building permits that may be submitted.

FOR ASSISTANCE WITH ANY OF THESE PROCEDURES  
CALL THE DEPARTMENT OF PLANNING & ZONING AT 703.746.4666

24-077



April 17, 2024

## Metes and Bounds Description of

**Outlot A**

Being a Vacation of a Portion of

**FOURTH STREET**

As Originally Dedicated with

**“PARK ADDITION to ALEXANDRIA”**

Deed Book N-4, Page 231

*(Among the Land Records of Arlington County, Virginia)*

City of Alexandria, Virginia

All that certain tract or parcel of land lying, being and situated in the City of Alexandria, Virginia being a portion of Fourth Street, as the same appears duly dedicated, platted and recorded on plat entitled, “PARK ADDITION to ALEXANDRIA” in Deed Book N-4 at Page 231 among the Land Records of Arlington County, Virginia.

Being further described by metes and bounds as follows:

**BEGINNING AT A POINT** at the intersection of the north right-of-way line of East Alexandria Avenue (50 feet wide) with the east right-of-way line of the above referenced Fourth Street (50 feet wide), said point further being at the southwest corner of Lot numbered Eighteen (18), in Block numbered Eleven (11) of the above referenced “PARK ADDITION to ALEXANDRIA”;

Thence departing said east right-of-way line of Fourth Street, crossing and including a portion thereof:

1. **South 88° 30' 00" West**, a distance of **25.00 feet** to a point lying in the centerline of said Fourth Street;

Thence, running with said centerline of Fourth Street:

2. **North 01° 30' 00" West**, a distance of **128.32 feet** to a point;

Thence, departing said centerline of Fourth Street, continuing to cross and include a portion thereof:

3. **North 88° 53' 20" East**, a distance of **25.00 feet** to a point in the aforementioned east right-of-way line of Fourth Street, said point further being at the northwest corner of the aforementioned Lot 18, Block 11, “PARK ADDITION to ALEXANDRIA”;

Thence, running with said east right-of-way line of Fourth Street, being common and contiguous with the west line of said Lot 18:

4. **South 01° 30' 00" East**, a distance of **128.15 feet** to the **POINT OF BEGINNING**.

Containing an Area of **3,206 square feet** of land more or less.

PROPERTY LOCATION: ROW BETWEEN 404A, 406, & 408 E. ALEXANDRIA AVE.TAX MAP REFERENCE: 043.04-03 ZONE: R-2-5APPLICANT'S NAME: ALICIA MONTGOMERYADDRESS: 406 E. ALEXANDRIA AVE, ALEXANDRIA VA 22301PROPERTY OWNER NAME: CITY OF ALEXANDRIA

(Owner of abutting area to be vacated)

ADDRESS: 301 KING STVACATION DESCRIPTION: TO VACATE THE PORTION OF THEROW DIRECTLY ADJACENT TO THE EAST BORDER OF406 + 404A E. ALEXANDRIA AVE TO THE CENTERLINE OF THE ROW  
LOT, APPROX 3200 SF. OF LAND☒ THE UNDERSIGNED hereby applies for a Vacation Ordinance in accordance with the provisions of Chapter 10 of the Code of the State of Virginia, the Alexandria City Charter and City Code, and the Alexandria Zoning Ordinance.☒ THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.☒ THE UNDERSIGNED having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.☒ THE UNDERSIGNED also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of their knowledge and belief.Alicia Montgomery  
Print Name of Applicant or Agent406 E. ALEXANDRIA AVE  
Mailing/Street AddressALEXANDRIA VA 22301  
City and State Zip Code[Signature]  
Signature202-689-9617 N/A  
Telephone # Fax #2/21/2024  
Date

# OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Alicia Montgomery	400 E. ALEXANDRIA AVE	100%
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at \_\_\_\_\_ (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. CITY OF ALEXANDRIA	301 KING ST	100%
2.		
3.		

3. Business or Financial Relationships. Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are required to disclose **any** business or financial relationship, as defined by [Section 11-350 of the Zoning Ordinance](#), existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicate each person or entity and "None" in the corresponding fields).**

For a list of current council, commission and board members, as well as the definition of business and financial relationship, [click here](#).

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. Alicia Montgomery	N/A	N/A
2. CITY OF ALEXANDRIA	N/A	N/A
3.		

**NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.**

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

2/21/24  
Date

Alicia Montgomery  
Printed Name

  
Signature

NOTE: TAX ASSESSMENT MAP NUMBER: 043.04-03-19;

EDWARD DUNCAN SUBDIVISION

6

5

N 88°53'20" E ~ 50'

10' ALLEY

25.00'

25'

RESUB OF BLK 10 ~ PARK ADDITION

10' ALLEY

S 88°30'00" W  
25.84'

8

1,537 SQ. FT

S 01°30'00" E ~ 59.50'

59.50'

OUTLOT B

N 01°30'00" W ~ 128.50'

PORTION OF FOURTH STREET HEREBY VACATED  
TO REVERT TO OWNER OF LOT 8 (3,210 SQ. FT.)

S 01°30'00" E ~ 128.32'

FOURTH STREET

50' R/W (NOT IMPROVED)  
(DB N-4, PG 231)

S 01°30'00" E ~ 128.15'

BLK 11 ~ PARK

ADDITION TO ALEX

RCF  
RECORD NORTH  
(DB N-4, PG 231, ARL.CO.)  
PARK ADD'N TO ALEXANDRIA

S 88°30'00" W ~ 75.84'

EAST ALEXANDRIA AVENUE

50' R/W

PLAT

SHOWING THE VACATION OF FOURTH STREET  
ADJACENT TO LOT 8, BLOCK 10,  
RESUBDIVISION OF A PORTION OF

PARK ADDITION

DEED BOOK 146, PAGE 191

CITY OF ALEXANDRIA, VIRGINIA

0' 20' 40'  
SCALE: 1" = 20'

SCALE: 1" = 20'  
DATE: APRIL 17, 2024

INSTR #200019584  
PLAT SUBJECT TO  
RESTRICTIONS OF RECORD.  
TITLE REPORT NOT FURNISHED,  
THUS ALL EASEMENTS MAY NOT  
BE SHOWN.

OWNER: ALICIA MONTGOMERY

**RCFIELD**  
& ASSOCIATES, INC.

ENGINEERING • LAND SURVEYING • PLANNING  
700 S. Washington Street, Suite 220 www.rcfassoc.com  
Alexandria, Virginia 22314 (703) 549-6422





April 17, 2024

## Metes and Bounds Description of

**Outlot B**

Being a Vacation of a Portion of

**FOURTH STREET**

As Originally Dedicated with

**“PARK ADDITION to ALEXANDRIA”**

Deed Book N-4, Page 231

*(Among the Land Records of Arlington County)*

City of Alexandria, Virginia

All that certain tract or parcel of land lying, being and situated in the City of Alexandria, Virginia being a portion of Fourth Street, as the same appears duly dedicated, platted and recorded on plat entitled, “PARK ADDITION to ALEXANDRIA” in Deed Book N-4 at Page 231 among the Land Records of Arlington County, Virginia.

Being further described by metes and bounds as follows:

**BEGINNING AT A POINT** at the intersection of the north right-of-way line of East Alexandria Avenue (50 feet wide) with the west right-of-way line of the above referenced Fourth Street (50 feet wide), said point further being at the southeast corner of Lot numbered Eight (8), in Block numbered Ten (10) in the subdivision known as “PARK ADDITION”, as the same appears duly dedicated, platted and recorded in Deed Book 146 at Page 191 among the Land Records of the City of Alexandria;

Thence departing said north right-of-way line of East Alexandria and running with said west right-of-way line of Fourth Street, being common and contiguous with the east line of said Lot 8 and the same line extended with the eastern terminus of an Alley (10' wide) and the east line of Lot numbered Nine (9) in said Block 10, “PARK ADDITION”:

1. **North 01° 30' 00” West**, a distance of **128.32 feet** to a point at the northeast corner of said Lot 9;

Thence, departing said Lot 9 crossing and including a portion of said Fourth Street:

2. **North 88° 53' 20” East**, a distance of **25.00 feet** to a point lying in the centerline of said Fourth Street;

Thence, running with said centerline of Fourth Street:

3. **South 01° 30' 00” East**, a distance of **128.32 feet** to a point;

Thence, departing said centerline of Fourth Street, continuing to cross and include a portion thereof:

4. **South 88° 30' 00” West**, a distance of **25.00 feet** to the **POINT OF BEGINNING**.

Containing an Area of **3,210 square feet** of land more or less.



APPLICATION for VACATION # \_\_\_\_\_

PROPERTY LOCATION: Vacant lot between 406 and 408 E. Alexandria Ave., See attachment

TAX MAP REFERENCE: 043.04 ZONE: R2-5

APPLICANT'S NAME: Eric Teran

ADDRESS: 404A E. Alexandria Ave.

PROPERTY OWNER NAME: City of Alexandria

(Owner of abutting area to be vacated)

ADDRESS: \_\_\_\_\_

VACATION DESCRIPTION: Vacant lot that was originally surveyed in the 1930's to be  
Fourth ST. This was never built and has remained vacant.

- ☒ THE UNDERSIGNED hereby applies for a Vacation Ordinance in accordance with the provisions of Chapter 10 of the Code of the State of Virginia, the Alexandria City Charter and City Code, and the Alexandria Zoning Ordinance.
- ☒ THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.
- ☒ THE UNDERSIGNED having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.
- ☒ THE UNDERSIGNED also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of their knowledge and belief.

Eric Teran  
*Print Name of Applicant or Agent*

2800 N. Rosser ST.  
*Mailing/Street Address*

Alexandria, VA 22311  
*City and State      Zip Code*

  
*Signature*

202.569.9620  
*Telephone #      Fax #*

3.27.2024  
*Date*

# OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

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Name	Address	Percent of Ownership
1. Eric Teran	404A. E. Alexandria Ave.	50%
2. Daniela Gross	404A. E. Alexandria Ave.	50%
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 404A. E. Alexandria Ave. (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
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3.		

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Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1.	None	None
2. Daniela Gross	None	None
3.		

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As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

3.27.2024

Date

Eric Teran

Printed Name



Signature

## Instructions for Vacation of Right-of-Way Applications

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**NOTE:** The vacation process must be completed prior to approval of any building permits that may be submitted.

FOR ASSISTANCE WITH ANY OF THESE PROCEDURES  
CALL THE DEPARTMENT OF PLANNING & ZONING AT 703.746.4666



A. Applicant address  
B. Approximate area of vacant lot

A plat map showing a rectangular site. The site is bounded by E. Nelson Ave. to the north, E. Alexandria Ave. to the south, Mt. Vernon Ave. to the west, and Dewitt Ave. to the east. A 10' alley runs north-south between Mt. Vernon Ave. and the site. The site is labeled "10' ALLEY" and "SITE".

33

33



## Legal Description

### Parcel A

Being a Vacated Portion of Fourth Street  
an Undeveloped Right-of-Way  
Created with Park Addition to Alexandria as originally  
dedicated, platted and recorded in Arlington County, Virginia  
at Deed Book N-4, page 231 and Resubdivided  
among the the City of Alexandria, Virginia at Deed Book 146, page 191

BEGINNING AT A PINCH PIPE FOUND IN THE NORTHERLY RIGHT-OF-WAY LINE OF EAST ALEXANDRIA AVENUE, WIDTH VARIES, AND BEING A COMMON CORNER TO LOT 8, RESUBDIVISION OF LOTS 1 & 2, BLOCK 10, PARK ADDITION TO ALEXANDRIA; THENCE

NORTH 01°23'09" WEST, 128.78 FEET, (RUNNING WITH THE EASTERLY LINE OF LOT 8, THEN WITH THE EASTERLY LINE OF A 10 FOOT ALLEY AND RUNNING WITH EASTERLY LINE OF LOT 9, RESUBDIVISION OF LOTS 1 & 2, BLOCK 10, PARK ADDITION TO ALEXANDRIA) TO AN IRON REBAR SET IN THE SOUTHERLY RIGHT-OF-WAY LINE OF A 10' ALLEY; THENCE

NORTH 89°43'41" EAST, 47.06 FEET, (RUNNING WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF THE AFOREMENTIONED 10 FOOT ALLEY) TO AN IRON PIPE FOUND, BEING THE NORTHWESTERLY CORNER OF LOT 18, BLOCK 11, PARK ADDITION TO ALEXANDRIA. THENCE WITH THE LINE OF LOT 18:

SOUTH 01°23'09" EAST, 127.73 FEET, TO A POINT IN THE AFOREMENTIONED NORTHERLY RIGHT-OF-WAY LINE OF EAST ALEXANDRIA AVENUE. THENCE WITH THE NORTHERLY RIGHT-OF-WAY LINE OF EAST ALEXANDRIA:

SOUTH 88°27'02" WEST, 47.05 FEET, TO THE POINT OF BEGINNING.

CONTAINING 6,305 SF OR 0.1385 ACRES MORE OR LESS