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Spencer Court is a popular shortcut for Green Acres students and parents.

Green Acres parents in uproar over gate

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LIVE OAK — Neighbors have blocked a popular shortcut used heavily by children headed for an elementary school, infuriating parents and school officials.

The dispute is over a locked gate erected between the Green Acres Elementary School property and the end of

Spencer Court, a private road for four houses.

School officials and parents say school children, Little League players, parents and other Live Oak residents use the shortcut rather than Rodriguez Street, Seventh Avenue and Paul Minnie Avenue, busy streets which lack sidewalks.

But several Spencer Court residents,

Please see GATE — A12

Gate

Continued from Page A1

contending that their property has been vandalized by youngsters, last week installed a locked gate and posted a "keep out" sign.

In response, angry parents on Tuesday circulated petitions in protest while school officials prepared for a legal fight.

"This gate is keeping us locked out of our school," fumed Christy Lukas, who walks her son, Hans-Joey, to his first-grade class.

"People are really charged," agreed Robyn Burros, who uses the shortcut when she walks her dogs, goes shopping and to the school. "It doesn't seem fair to us that they can deny it to us."

Rudy Carino, Superintendent of Live Oak School District, contends

the gate and lock have been illegally installed, since they are on school district property.

Rather than remove them, however, Carino said the school district is tackling the larger issue of whether the walkers have the right to use Spencer Court.

If necessary, the school district will seek a court injunction to keep the gate unlocked until the issue is resolved in court, Carino said.

Attorneys are also researching whether the school district can use its powers of eminent domain on Spencer Court, said Carino.

In the meantime, school officials have prevailed on two other Spencer Court residents, who are not opposed to the school access, to unlock the gate to allow kids through,

Carino said.

That approach has been partially successful, said Debrah Hutchings, who initiated a petition drive Tuesday morning.

But kids arriving early and leaving late have already been caught on the wrong side of the fence, she said.

"Everybody's feelings are that the gate should come completely down," said Hutchings. She estimated that between 75 to 95 school children use the access every day.

Carino said that after the four homes were built on Spencer Court in 1988, the developer, John Nicoli, noted in a letter to the school district that an opening had been left in the fence to allow students access to the school.

Hutchings contends that approval of the development was conditioned on that access.

On Monday, Hutchings said, a neighbor girl was shut inside the school property by two boys who slammed the gate on her. Parents have threatened to take action on their own to remove the gate and lock, she added.

"This thing is starting to cause friction with the children. It's starting a lot of trouble."

Dale Thurston, school district business manager, said he has been monitoring the gate before and after school.

"As long as the gate is open, we'll keep talking to see if we can resolve it that way," Thurston said.