



DATE: June 9, 2021

SUBJECT: LAWSUIT FILED BY TOWN OF GIBRALTAR AGAINST THE ALIBI MARINA SEEKING DOWNSIZING OF MOORING IN FISH CREEK, WISCONSIN

On April 8, 2021, the Town of Gibraltar in Door County filed a lawsuit in the Circuit Court for Door County against North Point Marina, LLC, the owner and operator of the Alibi Marina in Fish Creek, claiming that Pier 4, the solid pier on the eastern side of the Alibi Marina, was not properly permitted by the Department of Natural Resources in 1996 when the construction permit was issued.

The Alibi has been legally operating for 24 years with no challenge by DNR to the location of Pier 4. This continuous operation has been of great benefit to the local Fish Creek economy as well as the tourist economy of Door County as a whole. Pier 4 in the Alibi is the place where large and small transient boats are moored when these boaters are visiting Fish Creek. Transient boaters bring many economic benefits without any increase in road traffic or need for parking spaces.

The second claim made by the Town in the lawsuit is that the moorings on Pier 4 interferes with the Town's claimed rights. DNR has never supported such a claim, and in fact, has declined to get involved in the matter. Moreover, 24 years of safe operation by the Alibi as well as years of commercial use of both sides of the Town's West Town Dock by the Town attests to the fact that there is no interference. The Alibi has always cooperated with the renters and users of the Town's West Dock and no complaints have been made by the renters. The Town's lawsuit comes as a shock given the revenue the Town receives from renting the West Town Dock and the economic benefits to Fish Creek from transient mooring at the Alibi.

Given the Town's decision to sue rather than to work cooperatively, the Alibi has no choice but to defend. The Town's decision will involve spending substantial sums of the Town taxpayers' money on a private law firm and is a waste of taxpayers' dollars. Ironically, if the Town is successful in limiting mooring at the Alibi, the result will be limiting the number of boaters wishing to visit Fish Creek and the devaluation of the tax base of Fish Creek. Unfortunately, the Town Board has decided to choose litigation rather than cooperation. Litigation is the most disruptive path and will cause economic harm to Fish Creek.

The Alibi continues to welcome the public to the Marina. It is proud to provides mooring for many local residents as well non-residents on an equal basis. The piers are also used by the public to view the shoreline of Peninsula State Park and the sunset. There should be no interruption of services at the Alibi this summer. It is our hope that the Town will recognize its decision to sue the Alibi is not in the best interest of Fish Creek or Door County.