



Legislation Details (With Text)

**File #:** 231373      **Version:** 0

**Type:** Resolution      **Status:** Passed

**File created:** 1/17/2024      **In control:** COMMON COUNCIL

**On agenda:**      **Final action:** 2/6/2024

**Effective date:**

**Title:** Resolution authorizing a structured settlement agreement related to Milwaukee County Court Case No. 22-CV-3366, Midwest Fiber, LLC v. City of Milwaukee.

**Sponsors:** THE CHAIR

**Indexes:** SUITS SETTLEMENT

**Attachments:** 1. Midwest Fiber - Common Council Payee Letter.pdf, 2. Midwest Fiber - Fiscal Impact Statement.pdf

| Date      | Ver. | Action By                         | Action                   | Result | Tally |
|-----------|------|-----------------------------------|--------------------------|--------|-------|
| 1/17/2024 | 0    | COMMON COUNCIL                    | ASSIGNED TO              |        |       |
| 1/29/2024 | 0    | JUDICIARY & LEGISLATION COMMITTEE | RECOMMENDED FOR ADOPTION | Pass   | 5:0   |
| 2/6/2024  | 0    | COMMON COUNCIL                    | ADOPTED                  | Pass   | 14:0  |
| 2/7/2024  | 0    | MAYOR                             | SIGNED                   |        |       |

231373  
ORIGINAL

THE CHAIR

Resolution authorizing a structured settlement agreement related to Milwaukee County Court Case No. 22-CV-3366, Midwest Fiber, LLC v. City of Milwaukee.

This resolution authorizes settlement of Milwaukee County Court Case No. 22-CV-3366, Midwest Fiber LLC v. City of Milwaukee, for a total of \$325,000, to be made by offsetting credits against future licensing fees incurred by Midwest Fiber, LLC, arising under a conduit lease agreement.

Whereas, Plaintiff, Midwest Fiber, LLC, has filed a civil lawsuit against the City of Milwaukee alleging damages for negligence and breach of contract;

Whereas, counsel for the parties have reached an agreement to settle the above-referenced lawsuit for a total amount of \$325,000.00, subject to approval by the Common Council; and

Whereas, the City Attorney recommends and the Common Council of the City of Milwaukee deems it expeditious and just to settle this lawsuit; now, therefore, be it

Resolved, by the Common Council of the City of Milwaukee, that the proper City officers be and hereby are authorized and directed to apply a total of \$325,000.00 in offset credits to account against future licensing fees incurred by Midwest Fiber, LLC, over a period of five years as more fully described herein: \$100,000.00 to be applied against 2024 licensing fees; \$56,250.00 to be applied against 2025, 2026, 2027 and 2028 licensing fees respectively; and so be it

Further Resolved, That in compliance with the City Attorney’s direction, the proper City officers be

and hereby are authorized and directed to charge the Damages and Claims Fund, Account No. 0001-1490-S118-006300, in the amount of \$325,000.00 to be held to offset future conduit licensing fee invoices to Midwest Fiber, LLC, for conduit licensing fees, in full and final settlement of all claims as outlined in the above-referenced action, and so be it

Further Resolved, That for and in consideration of the above-referenced agreement relative to future conduit licensing fee offsets, the claimant, by their representative(s) and/or attorney(s), will provide the City a release of any and all claims arising out of or in any way related to this incident.

City Attorney  
CLINT MUCHE  
CBM/cbm  
December 19, 2023

1029-2022-879/288905