

BENSON LAW OFFICE, LTD.



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P.O. Box 370
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September 4, 2026

Bass Lake Property Owners Association Ltd.
c/o Steven Herrmann
8606 West Bass Lake Road
Danbury, WI 54830

Bass Lake Property Owners Association Ltd.
c/o Steven Herrmann
403 East Third Street
Chaska, MN 55318

Bass Lake Property Owners Association Ltd.
c/o Lois Mueller
8604 S. Shore Drive
Danbury, WI 54830

Bass Lake Property Owners Association Ltd.
c/o Jacqueline Diehl
8624 S. Shore Drive
Danbury, WI 54830

Re: Town of Union / Boat Ramp on West Bass Lake Road

Dear Bass Lake Property Owners Association Board Members/Officers:

As I believe you are already aware, this office represents the Town of Union. There have been some ongoing communication between the Town of Union and the Bass Lake Property Owners Association concerning the state of the boat ramp on West Bass Lake Road. Specifically, the Bass Lake Property Owners Association Ltd. wants to obtain a grant from the Department of Natural Resources and improve the boat ramp.

Bass Lake Property Owners Association Ltd.
September 4, 2026
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In doing some additional research regarding this matter it became apparent that the proposal set forth by the Bass Lake Property Owners Association is not even feasible. Attached please find a printout from the Wisconsin Department of Natural Resources' ("DNR") website. As you can see, the DNR is no longer providing grants as it relates to boat ramps on inland lakes. This information has been confirmed by a member of the Town Board who personally called the DNR to inquire as to the possibility of any grants.

Finally, I would note that I provided a previous legal opinion to the Town of Union that the attempt of the Bass Lake Property Owners Association to try and take over control of the boat ramp in question would most likely be in violation of Wisconsin law. In addition, it would violate the reversionary clause set forth in the Deed when the land was dedicated to the Town of Union for a specific purpose.

Sincerely,

Ryan M. Benson
Attorney at Law

RMB/pw
Enclosure



RECREATIONAL BOATING FACILITIES GRANTS

The DNR is currently **not** accepting new applications for **Inland Lakes** projects. We will continue to accept Great Lakes project applications until funds are expended. If funding becomes available this webpage will be updated with any new information on future application periods.

These grants may be used by counties, towns, cities, villages, tribes, sanitary districts, public inland lake protection and rehabilitation districts and qualified lake associations for recreational boating facility projects.

Past projects have included ramps and service docks to gain access to the water, purchase of aquatic plant harvesting equipment, navigational aids and dredging waterway channels associated with launch facilities.

FOR GRANT REQUESTS IN EXCESS OF \$250,000: Applications for RBF grants exceeding \$250,000 are encouraged to be submitted to your regional DNR grants specialists in time for the June 1st, or September 1st, application deadlines. These larger grant requests take extra processing time and therefore are highly recommended for earlier evaluation, in the first two quarters of the fiscal year. Contact your regional DNR grants specialist as soon as possible, if you have a larger project and you are planning to apply for an RBF grant. DNR grants specialists can help with scheduling and grant processing.

FISCAL MANAGEMENT

1. Prior to project review by the commission, the sponsor shall have obtained all permits required under ch. 30 [exit DNR], Stats. and s. 281.17(2) [exit DNR], Stats. (chemical treatment)
2. Costs incurred prior to having a signed grant agreement will need approval by the department.
No downpayments are allowed.
3. Projects approved to receive RBF funding by the Wisconsin Waterways Commission must obtain all fiscal processing approvals by March 1st of the fiscal year within which they were awarded funding. If a project does not successfully receive all approvals to proceed, grant funds designated for that project will be returned to the grant program for redistribution and utilization within the allowable fiscal year. Applicants may then reapply in the next cycle.

****If you are having problems opening forms, please visit our [PDF Help page](#).****

[Who can apply](#)[Eligible items](#)[Deadlines](#)[Priority rank](#)[Applying](#)[Reimbursement](#)[Laws](#)[Contact](#)

ELIGIBLE APPLICANTS

Counties, towns, cities, villages, tribes, sanitary districts, public inland lake protection and rehabilitation districts and qualified lake associations are eligible to apply for funds.

DNR provides cost sharing of up to 50% for eligible costs.

ELIGIBLE PROJECTS

- **Channel dredging** - Dredging of inland water channels for recreational boating (not more than once in ten years).
 - [Wisconsin Waterways Commission Dredging Policy](#) [PDF]
- **Construction projects**
 - Facilities such as ramps and boarding docks required to gain access to the water.
 - Harbors of refuge – structures such as bulkheads and breakwaters necessary to provide safe water conditions.
 - Dredging to provide safe water depths. Dredging of basins is an eligible activity only when it is associated with project development.
 - Support facilities include parking lots and signage, sanitary facilities, fencing and security lighting for the convenience of boaters.
- **Improvement and repair of locks** - Cost of improvement and repair of locks and facilities that provide access between waterways for operators of recreational watercrafts.
- **Navigation aids** - Cost of aids to navigation and regulatory markers including the cost of appropriate ground tackle.
- **Rehabilitation** - Rehabilitation of capital improvements that are related to recreational boating facilities.
- **Trash skimming equipment** - Acquisition of equipment to collect and remove floating trash and debris from a waterway.
- **Aquatic Plant harvesting equipment** - Acquisition of equipment that is necessary to cut and remove aquatic plants.

Applications are accepted at any time.

A five-member Waterways Commission, appointed by the governor, reviews and recommends projects for funding. Deadlines are established quarterly.

TENTATIVE APPLICATION AND WWC MEETING SCHEDULE

Fiscal Year Application Deadlines	WWC Meeting Dates (subject to change)
June 1	2nd Tuesday in August

Fiscal Year Application Deadlines	WWC Meeting Dates (subject to change)
September 1	2nd Tuesday in November
November 1	2nd Tuesday in January
February 1	2nd Tuesday in April

The following factors are considered in establishing priorities for projects.

- Distance of proposed project from other recreational boating facilities
- Demand for safe boating facilities
- Existing facilities
- Projects underway
- Commitment of funds
- Location of proposed project with the region identified in s. 25.29(7)(a), Wis. Stats [\[exit DNR\]](#).

Contact your DNR community service specialist [\[PDF\]](#) before applying to discuss your potential project.

APPLICATION MATERIALS

- Recreational Boating Facilities (RBF) Program Guidance [\[PDF\]](#)
- Grant Eligibility Form (Form 8700-380) [\[PDF\]](#)
- Recreational Boating Facilities Channel Dredging Grant Application (Form 8700-343C) [\[PDF\]](#)
- Recreational Boating Facilities Development/Renovation Grant Application (Form 8700-343D) [\[PDF\]](#)
- Recreational Boating Facilities Aquatic Plant Harvester/Trash Skimmer Grant Application (Form 8700-343E) [\[PDF\]](#)
- Recreational Boating Facilities Navigational Aids Grant Application (Form 8700-343N) [\[PDF\]](#)
- Sample resolution for outdoor recreation aids [\[PDF\]](#)

RESOURCES

- Accessibility Guidance for Grant Funded Projects (CF-031) [\[PDF\]](#)
- Best Management Practices (BMPs) for Handling Storm Water at Boat Access Sites [\[PDF\]](#)
- Evaluation of DNR Funded Public Boat Access Site Development Projects – Water Quality Impact Focus [\[PDF\]](#)
- Public Boating Access Fee Schedule Application, Approval & Order (Form 3600-213) [\[PDF\]](#)

REIMBURSEMENT MATERIALS

- [Grant Payment Request & Worksheet \(Form 8700-001\)](#) [PDF]
- [Financial Administration](#) [PDF]

GRANT RELATED STATUTES AND ADMINISTRATIVE CODES

- [s. 30.92, Wis Stats.](#) [exit DNR]
- [Ch. NR 7, Wis. Adm. Code](#) [exit DNR]

Contact information

For more information on RBF grants, please contact:

Your regional DNR grant project manager

9/15/26, 11:56 AM

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**TOWN OF UNION
BURNETT COUNTY WISCONSIN**

August 24, 2026

AMENDED

Bass Lake Property Owners Association
8606 West Bass Lake Road
Danbury, WI 54830

Dear BLPOA Board:

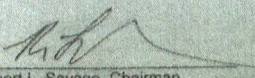
Thank you for your offer to make updates to the landing. We would like to continue the conversation and confirm that Union Township would be willing to sign the DNR permit authorizing BLPOA to perform the work, subject to DNR oversight.

BLPOA would assume full fiscal responsibility for the cost of the landing updates. If BLPOA agrees to these terms, Union Township will hold a special session to approve the DNR permit so the project may move forward under DNR oversight.

We appreciate BLPOA's willingness to partner with Union Township on this effort and look forward to working together to complete the permit process and move the landing updates forward in a responsible and timely manner. Please let us know if BLPOA would like to proceed under these terms so we can schedule the special session. You have 96 hours from the date of receipt of this letter. If there is no response, we will consider this null and void and this will not be offered again.

Sincerely,

Union Township Board


Robert L. Savage, Chairman
Union Township

Mailing address:
Town of Union 8562 Grover Point Road, Danbury WI 54830
Chairman: Bob Savage Supervisors: Eugene Sikorski, Dan Waldhauser
Treasurer: Jayne Schwarz Clerk: Jackie Savage

This is what the Town of Union offered to BLPOA Board. Their response was submitted back to the Township with conditions which was not part of the original offer dated August 24, 2026.

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24161 Highway 35/70 North
P.O. Box 370
Siren, Wisconsin 54872-0370

August 5, 2026

VIA EMAIL ONLY

Town of Union
Attn: Bob Savage, Chairman
8302 County Road U
Danbury, WI 54830

Re: Legal Opinion regarding Boat Ramp on West Bass Lake Road

Dear Mr. Savage:

This letter will serve to follow-up on our office conference of July 29, 2026, wherein you retained Benson Law Office, Ltd. to provide a legal opinion as it relates to certain actions the Town may be able to take regarding the boat ramp at the end of West Bass Lake Road. The purpose of this legal opinion is to set forth whether or not the Town has the ability to sell, vacate or rent in any fashion the boat ramp at the end of West Bass Lake Road. In formulating my legal opinion, I have reviewed the following documents:

1. The transfer document from Ray and Evelyn Pardun to the Town of Union noted as Document #135144, Burnett County, Wisconsin Records;
2. Wis. Stats. §§ 66.1025 and 82.19; and
3. Wisconsin case law.

The main issue here is that there is a reversionary clause in the deed from Mr. and Mrs. Pardun to the Town of Union which sets forth the following:

It is expressly understood and agreed that this deed is given as a dedication to the Town of Union for highway purposes only and in the event said land should ever cease to be used by said town for highway purposes, the premises above described and all rights herein conveyed, shall at once revert to and revest in and become the property of said first parties,

their heirs, personal representatives or assigns (without any declaration of forfeiture or act of re-entry, and without any other act by said first parties to be performed, and without any right of said second party to reclamation or compensation for moneys paid or improvements made), as absolutely, fully, and perfectly as if this deed had never been made.

In addition to this reversionary clause, Wisconsin also has a statute that prevents government bodies from certain actions related to dedications of lands for a special purpose. Specifically, Wis. Stats. § 66.1025(1) provides as follows:

If the governing body of a county, city, town or village accepts a gift for dedication of land made on condition that the land be devoted to a special purpose, and the condition subsequently becomes impossible or impracticable, the governing body may by resolution or ordinance enacted by a two-thirds vote of its members-elect either to grant the land back to the donor or dedicator or the heirs of the donor or dedicator, or accept from the donor or dedicator or the heirs of the donor or dedicator, a grant relieving the county, city, town or village of the condition, pursuant to article XI, section 3a, of the constitution.

My first legal opinion as it relates to this letter is that, whether or not the reversionary clause existed in the deed, the fact that the deed itself states that the property is to be used for highway purposes only subjects the Town to Wis. Stats. § 66.1025. The reversionary clause is just a secondary issue that has to be dealt with as well. A similar situation arose in Polk County in a case that was decided in 2008 by the Wisconsin Court of Appeals. In that case a person had transferred land to Polk County by deed in 1957 for purposes of a "county infirmary." The main purpose was to create a nursing home of some sort on the property. The County then tried to transfer the property in 2008 to a private entity. A lawsuit was commenced to prohibit the transfer to the private entity. The Court of Appeals found that Wis. Stats. § 66.1025 applied and that the County's attempt to transfer the property to a private entity was in violation of the statute.

As such, it is my legal opinion that the Town of Union cannot in any way transfer the property to any other entity without complying with Wis. Stats. § 66.1025. This would require the Town to track down the heirs of Ray and Evelyn Pardun and get relief from the specific dedication that the property be used for highway purposes.

Another potential issue would be whether or not the Town could discontinue the highway. This raises two separate issues. The first being that the reversionary clause would immediately come into play in this situation. This would result in the heirs of Ray and Evelyn Pardun having a claim that they now own the property. The second issue would be Wis. Stats. § 82.19. Although towns are generally able to discontinue highways under Wis. Stats. § 82.19, they cannot do so if the public highway provides public access to a navigable lake or stream. In this case, the highway does provide access to Bass Lake. As such, DNR approval would have to be obtained for any vacation of the roadway and a transfer. My experience is that the DNR will never grant their permission for the vacation of a roadway that provides access to a public water unless you can provide another access at a different location.

Lastly, we need to address the issue of whether or not the Town of Union can rent the property in question to a third party. I think this raises a couple of issues. First, the reversionary clause in the Deed provides that "in the event said land should ever cease to be *used by said town . . .*" then it reverts back to the Parduns. If the Town rents it to a third-party, it is no longer being used by the Town. As such, I believe this would violate the reversionary clause.

In addition, there is a legal doctrine known as the private non-delegation doctrine, that sets for the principle that government power may not be delegated to private entities. So if you rent the boat landing to a third party I believe this would violate the legal doctrine.

Please let me know if you have any questions regarding this legal opinion.

Sincerely,

Ryan M. Benson

Ryan M. Benson
Attorney at Law

RMB/pw