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SECTION: NEWS; Pg. 1**LENGTH:** 637 words**HEADLINE:** Davlin asks Wal-Mart to consider another site**BYLINE:** JASON PISCIA STAFF WRITER**BODY:**

Davlin would not say Wednesday what site he had suggested when he met with company representatives last week. But when asked whether it was near the yet-to-be-built intersection of MacArthur Boulevard and Interstate 72, he said, "That's a really good possibility." Cynthia Elias, one of the two Peoria-based Wal-Mart attorneys with whom Davlin met, referred all questions about the meeting to John Bisio, a spokesman for the retailer.

Despite the pitch, Bisio said, Wal-Mart remains focused on a site on Mathers Road, near Panther Creek. He had admitted previously that the company's enthusiasm for the site has "dimmed" in light of the effort required to remedy lead contamination brought on by the land's many years of use as a shooting range.

"We are still really evaluating what will be necessary to make that project work for us, in terms of the environmental cleanup and the cost of that," Bisio said Wednesday. "I would say it would be very premature to suggest that we're going to turn our attention elsewhere."

Davlin noted that during his campaign for mayor, he had said the 60 acres at Mathers Road and Veterans Parkway was not appropriate for a development the size of a Wal-Mart Supercenter. That's part of the reason he pitched the alternate site to the lawyers.

"I'd love to have Wal-Mart," he said. "I just don't think (Mathers Road is) the right place."

Residents of Panther Creek agree, which is why some of them filed suit against the city and Wal-Mart to overturn the Springfield City Council's zoning decision in 2001 that allowed the store. A judge dismissed the suit last month, but the residents are appealing.

Part of the problem with the MacArthur/I-72 idea, however, is that the intersection is still on the drawing board. An Illinois Department of Transportation spokesman said the project, which includes extending MacArthur south and hooking it up to a new interstate interchange is still two or three years away from even breaking ground.

Bisio said that time gap is a "legitimate concern and issue," but stressed that the company is still looking into the Mathers Road property.

During last week's meeting, Davlin and the attorneys also discussed Wal-Mart's Dec. 31 deadline to buy the Mathers Road property, get construction plans approved and secure a building permit. None of those steps have been completed. If they aren't done by the end of the year, either side can walk away from the deal.

However the agreement includes a "force majeure" clause that says the deadline can be extended if either side is delayed due to extreme circumstances, such as "acts of God, war, acts of civil disobedience, strikes or similar acts."

Davlin said he doesn't think the clause covers the problems Wal-Mart has faced to date, namely the lead contamination and the lawsuit.

"(The events that invoke the clause) are supposed to be things that are completely unknown," he said. "And let me tell you, if you only lived in Springfield a year or six months, anybody would know that there must be about 20 tons of lead in that field."

Davlin said he asked Wal-Mart's attorneys to produce past court rulings that show "force majeure" can be claimed under similar circumstances.

"If this is clearly a case where they show this is a force majeure, I'm not looking to start a multimillion-dollar lawsuit against Wal-Mart," he said. "But I think they just have to show it to us."

Bisio said the company is still assessing the deadline situation, but added the mayor's opinion that force majeure doesn't apply has not been proven.

"I would just say that the jury is still out on that," Bisio said.

The proposed Wal-Mart Supercenter would replace the existing Wal-Mart in the Parkway Pointe shopping center. The chain's first local supercenter opened on North Dirksen Parkway in 2001.

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